



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 692

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PART 1 OF 2

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government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

GPW has an official email with the domain as @gpw.gov.za

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

GPW will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

Government Printing Works gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at www.gpwonline.co.za
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.
Email: Annamarie.DuToit@gpw.gov.za

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.
Email: Bonakele.Mbhele@gpw.gov.za

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.
Email: Daniel.Legoabe@gpw.gov.za

Closing times for **ORDINARY WEEKLY** **GOVERNMENT GAZETTE** **2023**

*The closing time is **15:00** sharp on the following days:*

- **08 December**, Thursday for the issue of Thursday **15 December 2022**
- **15 December**, Thursday for the issue of Friday **23 December 2022**
- **22 December**, Thursday for the issue of Friday **30 December 2022**
- **29 December**, Thursday for the issue of Friday **06 January 2023**
- **06 January**, Friday for the issue of Friday **13 January 2023**
- **13 January**, Friday for the issue of Friday **20 January 2023**
- **20 January**, Friday for the issue of Friday **27 January 2023**
- **27 January**, Friday for the issue of Friday **03 February 2023**
- **03 February**, Friday for the issue of Friday **10 February 2023**
- **10 February**, Friday for the issue of Friday **17 February 2023**
- **17 February**, Friday for the issue of Friday **24 February 2023**
- **24 February**, Friday for the issue of Friday **03 March 2023**
- **03 March**, Friday for the issue of Friday **10 March 2023**
- **10 March**, Friday for the issue of Friday **17 March 2023**
- **16 March**, Thursday for the issue of Friday **24 March 2023**
- **24 March**, Friday for the issue of Friday **31 March 2023**
- **30 March**, Thursday for the issue of Thursday **06 April 2023**
- **05 April**, Wednesday for the issue of Friday **14 April 2023**
- **14 April**, Friday for the issue of Friday **21 April 2023**
- **20 April**, Thursday for the issue of Friday **28 April 2023**
- **26 April**, Wednesday for the issue of Friday **05 May 2023**
- **05 May**, Friday for the issue of Friday **12 May 2023**
- **12 May**, Friday for the issue of Friday **19 May 2023**
- **19 May**, Friday for the issue of Friday **26 May 2023**
- **26 May**, Friday for the issue of Friday **02 June 2023**
- **02 June**, Friday for the issue of Friday **09 June 2023**
- **08 June**, Thursday for the issue of Thursday **15 June 2023**
- **15 June**, Thursday for the issue of Friday **23 June 2023**
- **23 June**, Friday for the issue of Friday **30 June 2023**
- **30 June**, Friday for the issue of Friday **07 July 2023**
- **07 July**, Friday for the issue of Friday **14 July 2023**
- **14 July**, Friday for the issue of Friday **21 July 2023**
- **21 July**, Friday for the issue of Friday **28 July 2023**
- **28 July**, Friday for the issue of Friday **04 August 2023**
- **03 August**, Thursday for the issue of Friday **11 August 2023**
- **11 August**, Friday for the issue of Friday **18 August 2023**
- **18 August**, Friday for the issue of Friday **25 August 2023**
- **25 August**, Friday for the issue of Friday **01 September 2023**
- **01 September**, Friday for the issue of Friday **08 September 2023**
- **08 September**, Friday for the issue of Friday **15 September 2023**
- **15 September**, Friday for the issue of Friday **22 September 2023**
- **21 September**, Thursday for the issue of Friday **29 September 2023**
- **29 September**, Friday for the issue of Friday **06 October 2023**
- **06 October**, Friday for the issue of Friday **13 October 2023**
- **13 October**, Friday for the issue of Friday **20 October 2023**
- **20 October**, Friday for the issue of Friday **27 October 2023**
- **27 October**, Friday for the issue of Friday **03 November 2023**
- **03 November**, Friday for the issue of Friday **10 November 2023**
- **10 November**, Friday for the issue of Friday **17 November 2023**
- **17 November**, Friday for the issue of Friday **24 November 2023**
- **24 November**, Friday for the issue of Friday **01 December 2023**
- **01 December**, Friday for the issue of Friday **08 December 2023**
- **08 December**, Friday for the issue of Friday **15 December 2023**
- **15 December**, Friday for the issue of Friday **22 December 2023**
- **20 December**, Wednesday for the issue of Friday **29 December 2023**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

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GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
 - 8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** **GPW**'s annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwnonline.co.za free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette(s)*

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works

149 Bosman Street

Pretoria

Postal Address:

Private Bag X85

Pretoria

0001

GPW Banking Details:

Bank: ABSA Bosman Street

Account No.: 405 7114 016

Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**NO. 3076****24 February 2023****ANIMAL IDENTIFICATION ACT, 2002
(ACT No. 6 OF 2002)****REGULATIONS: AMENDMENT**

The Minister of Agriculture, Land Reform and Rural Development, acting under section 18(1)(f) of the Animal Identification Act, 2002 (Act No. 6 of 2002), made the regulations in the Schedule.

SCHEDULE**Definitions**

1. In this Schedule “the Regulations” means the Regulations published by Government Notice No. R 209 of 10 March 2006.

Substitution of Table 1 of the Regulations

2. The table in the Annexure is hereby substituted for Table 1 of the Regulations.

TABLE 1
FEES PAYABLE

Purpose	Amount payable per application
1. Registration of an animal identification mark (Reg. 3(2))	R190 per application
2. Transfer of the registration of an animal identification mark (Reg.6(2))	R190 per application
3. Copy of animal identification certificate	R190 per application
4. Application for duties of pound master in terms of section 14 of the Act (Reg. 8(1))	R190 per application
5. Application for registration as marking operator (Reg. 7(2))	R190 per application
6. Registered post (optional)	Determined by service provider

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3077

24 February 2023

**GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT,
1994 (ACT NO.22 OF 1994)**

Notice is hereby given that by virtue of a court order dated 8 December 2022 in case LCC 217/2009 the properties described in the schedule attached hereto are with effect from the date of the order no longer subject to any land claim by the claimants whose claims were adjudicated by the court under the said case number, and that all notices in respect of the said properties previously published in terms of the provisions of Section 11(1) of the Restitution of Land Rights Act No 22 of 1994 are hereby withdrawn.

Reference : 6/2/2/D/59/0/0/8

Claimant : Salem Community

Property : see attached schedule

Extent of property : see attached schedule

District : Albany, Sarah Baartman District Municipality,
Nelson Mandela Metropolitan in the
Eastern Cape Province

Title deed : see attached schedule

Date claim lodged : 24 December 1998

Current Owner : see schedule

**Office of the Regional Land Claims Commissioner : Eastern Cape
Department of Agriculture, Land Reform and Rural Development**

**PO Box 1375
East London
5200
Tel : 043 700 6000, Fax : 043 743 3687**


**Mr. L.H. Maphutha
Regional Land Claims Commissioner**

SCHEDULE OF SALEM FARMS TO BE DEGAZETTED

No.	Property Description	Extent	Title Deed No.	Current owner
1.	Portion 40 of Farm Salem 498	3, 4716 h	T120110/1997	Salem Club
2.	Remaining Extent of Portion 1 of Farm Salem 498;	196,0362 h	T6595/2009	Lindale Trust
3.	Portion 14 of farm Salem 498;	130,1938 h	T6595/2009	Lindale Trust
4.	Portion 15 of farm Salem 498	12,7435 h	T6595/2009	Lindale Trust
5.	Portion 13 of farm Salem 498	217,7081 h	T65527/2004	Johan Gottfried Stander and Maria Paulina Philipina Standar
6.	Farm 648 (Which is a consolidation including Portion 16 and 17 of Farm Salem 498)	18, 7567 h	T7828/2005	David Crawford Gowans
7.	Portion 19 Farm Salem 498	231,0753 h	T16429/2012	Zandra Schoonbee (Formerly held by her late father Willem Lodewyk Christian Schoonbee)
8.	Portion 20 of farm Salem 498;	130,6203 h	T101565/1997	Ezra Christiaan Schoonbee

9.	Portion 21 of farm Salem 498;	130,2217 h	T101565/1997	Ezra Christiaan Schoonbee
10.	Portion 22 of farm Salem 498;	130,2217 h	T101565/1997	Ezra Christiaan Schoonbee
11.	Remainder of Portion 23 of farm Salem 498;	130, 0106 h	T119684/2003	Ezra Christiaan Schoonbee
12.	Portion 35 of farm Salem 498;	130,6203 h	T101565/1997	Ezra Christiaan Schoonbee
13.	Portion 43 (a portion of portion 23) of farm Salem 498;	122, 4094 h	T92612/2001	Ezra Christiaan Schoonbee
14.	Portion 24 of farm Salem 498;	309,2856 h	T770/2021	Kikuyu Lodge Pty (Ltd)
15.	Portion 25 of farm Salem 498;	260,8807 h	T770/2021	Kikuyu Lodge Pty (Ltd)

FINANCIAL SECTOR CONDUCT AUTHORITY**NO. 3078****24 February 2023****LONG-TERM INSURANCE ACT, 1998
(ACT NO. 52 OF 1998)****PENALTY FOR FAILURE TO FURNISH AUTHORITY WITH RETURNS ETC.**

The Financial Sector Conduct Authority, hereby under section 68(1)(b) of the Long-term Insurance Act, 1998 (Act No. 52 of 1998), determines the amount referred to in paragraph (a) of that section as R7 750.

Notice No. 1791, published in the *Gazette* on 25 February 2022, is repealed.

This Notice will come into operation on the date of publication.



**KATHERINE GIBSON
DEPUTY COMMISSIONER
FINANCIAL SECTOR CONDUCT AUTHORITY**

FINANCIAL SECTOR CONDUCT AUTHORITY

NO. 3079

24 February 2023

**SHORT-TERM INSURANCE ACT, 1998
(ACT NO. 53 OF 1998)**

PENALTY FOR FAILURE TO FURNISH AUTHORITY WITH RETURNS ETC.

The Financial Sector Conduct Authority, hereby under section 66(1)(b) of the Short-term Insurance Act, 1998 (Act No. 53 of 1998) determines the amount referred to in paragraph (a) of that section as R7 750.

Notice No. 1792, published in the *Gazette* on 25 February 2022, is repealed.

This Notice will come into operation on the date of publication.



**KATHERINE GIBSON
DEPUTY COMMISSIONER
FINANCIAL SECTOR CONDUCT AUTHORITY**

NATIONAL TREASURY

NO. 3080

24 February 2023



CO-OPERATIVE BANKS DEVELOPMENT AGENCY

27th Floor, 240 Vermeulen Street • Private Bag X115, Pretoria, 0001 • Tel: 012 315 5367 • Fax: 012 315 5905 • email: CBDA@treasury.gov.za

Enquiries:
Office of the MD:
Date: 30 June 2022
Ref: NACFISA/NOTICE 1/2022

The Managing Director
Mr. Mzwakhe Sikhosana
1150 Justice Mohammed Street
Brooklyn, Pretoria
0075

Via email: mzwakhe@nacfisa.org

Dear Mr. Sikhosana

Re: NOTICE OF INTENT TO CANCEL NATIONAL ASSOCIATION FOR COOPERATIVE FINANCIAL INSTITUTIONS' REGISTRATION AS A REPRESENTATIVE BODY

This serves as notice of the Co-operative Banks Development Agency's (CBDA), herein forth referred to as the Agency, intention to deregister the National Association for Cooperative Financial Institutions of South Africa (NACFISA) as a representative body for Cooperative Financial Institutions (CFIs) in South Africa, in accordance with the provisions of the Cooperative Banks Act 40 of 2007, (The Act) Section 35 (1) b.

1. Provisions of the Act

- In terms of section 35 (1) (a) of the Act, the Agency must, subject to sub-section 35 (1) (b) of the Act, cancel the registration of a representative body if that body ceases to comply with any requirement for registration or continued registration referred to in sections 32 and 34 of the Act.
- In terms of sub-section 35 (1) (b) of the Act, the Agency must, prior to cancellation of registration, give notice in writing to the representative body concerned of its intention to cancel registration and the reasons on which such intention is based, and must afford the representative body a period of not less than 21 days and not more than 30 days in which to submit grounds for not proceeding with cancellation.

2. Basis of the notice of intent to cancel registration

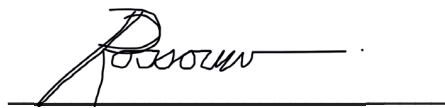
- Section 34 of the Act states that "in order to retain its registration, a registered representative body must annually, within three months of the end of its financial year, satisfy the Agency that it continues to comply with the requirements for registration listed in section 32".
- NACFISA has failed to comply with the provisions of Section 34.

NOTICE OF INTENT TO CANCEL NATIONAL ASSOCIATION FOR COOPERATIVE FINANCIAL INSTITUTIONS REGISTRATION AS A REPRESENTATIVE BODY

You are, therefore, kindly requested to provide the Agency with grounds for not proceeding with the cancellation of your registration as a representative body, by no later than 30 July 2022.

Should you have any queries, please do not hesitate to contact the CBDA on the following email addresses: cbda@treasury.gov.za or Nomadelo.Sauli@treasury.gov.za

Regards

A handwritten signature in black ink, appearing to read 'P. Rossouw', is written over a horizontal line.

Paul Rossouw
CBDA: Acting Managing Director
Date: **30 June 2022**

NATIONAL TREASURY

NO. 3081

24 February 2023



Certificate No. S

*Certificate of
Accreditation
as a support organisation*

This is to certify that

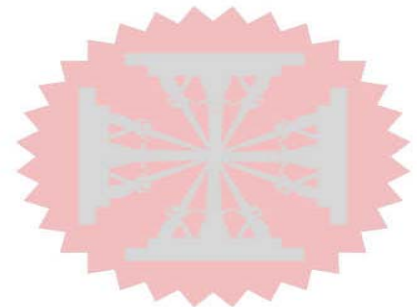
African Pioneers Primary Co-operative Limited

Complies with the requirements for accreditation as a support organisation in terms of section 38 of the Co-operative Banks Act number 40 of 2007.

Valid until: 30 June 2023

ACTING MANAGING DIRECTOR

This certificate is valid for the period above. In order to retain its accreditation, an accredited support organisation must – (a) at least twice a year, submit performance reports to each co-operative bank it represents; and (b) annually within three months of the end of its financial year – (i) satisfy the CBDA that it continues to comply with the requirements for accreditation listed in section 37; and (ii) submit a report to the CBDA, in the form and with the content required by the CBDA, on its performance during the relevant financial year.



SOUTH AFRICAN REVENUE SERVICE

NO. 3082

24 February 2023

FURTHER INFORMATION REQUIRED IN TERMS OF SECTION 18A(2)(a)(vii) FOR PURPOSES OF A RECEIPT ISSUED UNDER SECTION 18A(2)(a) OF THE INCOME TAX ACT, 1962 (ACT NO. 58 OF 1962)

In terms of section 18A(2)(a)(vii) of the Income Tax Act, 1962, I, Edward Christian Kieswetter, Commissioner for the South African Revenue Service, hereby prescribe, in the attached Schedule, the further information that must be contained in a receipt issued in terms of section 18A(2)(a) of the Act.

The notice will come into effect on 1 March 2023, and apply to all receipts issued on or after that date.

**E C KIESWETTER****COMMISSIONER: SOUTH AFRICAN REVENUE SERVICE**

Schedule

1. General

In this notice, any term or expression to which a meaning has been assigned in a “tax Act” as defined in section 1 of the Tax Administration Act, 2011, has the meaning so assigned, unless the context indicates otherwise.

2. Further information required in terms of section 18A(2)(a)(vii) of the Income Tax Act

The following further information must be included on a receipt issued in terms of section 18A(2)(a) of the Income Tax Act:

- 2.1 Donor nature of person (natural person, company, trust, etc.);
- 2.2 Donor identification type and country of issue (in case of a natural person);
- 2.3 Identification or registration number of the donor;
- 2.4 Income tax reference number of the donor (if available);
- 2.5 Contact number of the donor;
- 2.6 Electronic mail address of the donor;
- 2.7 A unique receipt number; and
- 2.8 Trading name of the donor (if different from the registered name).

SUID-AFRIKAANSE INKOMSTEDIENS

NO. 3082

24 Februarie 2023

**VERDERE INLIGTING VEREIS INGEVOLGE ARTIKEL 18A(2)(a)(vii) VIR DOELEINDES
VAN 'N KWITANSIE UITGEREIK KRAGTENS ARTIKEL 18A(2)(a) VAN DIE
INKOMSTEBELASTINGWET, 1962 (WET NO. 58 VAN 1962)**

Ingevolge artikel 18A(2)(a)(vii) van die Inkomstebelastingwet, 1962, bepaal ek, Edward Christian Kieswetter, Kommissaris van die Suid-Afrikaanse Inkomstediens, in die Bylae hierby, die verdere inligting wat vervat moet word in 'n kwitansie kragtens artikel 18A(2)(a) van die Wet, uitgereik.

Hierdie kennisgewing sal op 1 Maart 2023 in werking tree, en van toepassing wees op alle kwitansies wat op of na daardie datum uitgereik is.

**E C KIESWETTER****KOMMISSARIS: SUID-AFRIKAANSE INKOMSTEDIENS**

Bylae

1. Algemeen

Enige woord of uitdrukking in hierdie kennisgewing vervat waaraan 'n betekenis geheg is in 'n "Belastingwet" soos in artikel 1 van die Wet op Belastingadministrasie, 2011, omskryf, dra die betekenis aldus daaraan geheg, tensy die samehang andersins aandui.

2. Verdere inligting vereis ingevolge artikel 18A(2)(a)(vii) van die Inkomstebelastingwet

Die volgende verdere inligting moet ingesluit word op 'n kwitansie kragtens artikel 18A(2)(a) van die Inkomstebelastingwet uitgereik:

- 2.1 Skenker natuur van persoon (natuurlike persoon, maatskappy, trust, ens.);
- 2.2 Skenker identifikasietipe en land van uitreiking (in die geval van 'n natuurlike persoon);
- 2.3 Identifikasie of registrasienommer van die skenker;
- 2.4 Inkomstebelastingverwysingsnommer van die skenker (indien beskikbaar);
- 2.5 Kontaknommer van die skenker;
- 2.6 Elektroniese posadres van die skenker;
- 2.7 'n Unieke kwitansienommer; en
- 2.8 Handelsnaam van die skenker (indien verskil van die geregistreerde naam).

DEPARTMENT OF SPORTS, ARTS AND CULTURE

NO. 3083

24 February 2023

REPUBLIC OF SOUTH AFRICA

NATIONAL HERALDRY BILL

*(As introduced in the National Assembly (proposed section ...); explanatory summary of
Bill published in Government Gazette No. ... of 2023)*

(The English text is the official text of the Bill)

(Introduced by the Minister of Sport, Arts and Culture)

BILL

To establish the South African National Heraldic Authority and the National Heraldry Council; to provide for the registration of heraldic representations, traditional cultural symbols, names, related designations and uniforms and the protection of their owners' rights therein; and to provide for matters incidental thereto.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:–

ARRANGEMENT OF SECTIONS

Sections:

CHAPTER 1

DEFINITIONS, PURPOSE OF ACT, APPLICATION AND PRINCIPLES

1. Definitions.
2. Objects and Application of the Act.
3. Principles.

CHAPTER 2

SOUTH AFRICAN NATIONAL HERALDIC AUTHORITY, NATIONAL HERALD, NATIONAL HERALDRY COUNCIL, ANNUAL REPORT AND REGULATIONS

Part A

South African National Heraldic Authority and National Herald

4. Establishment of a South African National Heraldic Authority
5. Objects of the National Heraldic Authority.
6. Functions of the Authority
7. National Herald

Part B

National Heraldry Council and Committees

8. National Heraldry Council.
9. Presiding Member of the Council.
10. Removal of Members of the Council.
11. Committees.
12. Meetings of Council and Committees

Part C

Annual Report and Regulations

13. Annual Report
14. Regulations

CHAPTER 3**REGISTRATION OF HERALDIC REPRESENTATIONS, TRADITIONAL CULTURAL SYMBOLS
NAMES, RELATED DESIGNATIONS, UNIFORMS AND NATIONAL SYMBOLS***Part A**National Registers*

- 15. National Register of heraldic representations, traditional cultural symbols, names, related designations and uniforms.
- 16. Access to the Registers.
- 17. Correction of Registers or documents.

*Part B**Applications for registration*

- 18. Subjects that may be registered.
- 19. Applicant for registration.
- 20. Application for registration or for amendment or deletion of registration.
- 21. Prior approval of official heraldic representations.
- 22. Devolution of Arms
- 23. Descendants or Heirs.
- 24. Legal Successors.

*Part C**Application process*

- 25. Manner of application.
- 26. Examination of applications
- 27. Consideration of applications by a Committee.
- 28. Notice of application.
- 29. Objections.
- 30. Consideration of objection.
- 31. Appeal against decision of National Herald or National Heraldry Council.

*Part D**Registration, amendment or deletion of registration*

- 32. Registration, amendment or deletion
- 33. Deletions of registrations of heraldic representations, traditional cultural symbols, names, related designations or uniforms.
- 34. Conditions for deletion.

*Part E**Certificate of authenticity*

- 35. Certificate of authenticity.

Chapter 4**National Emblems of the Republic of South Africa**

- 36. National Emblems.
- 37. Ownership.

CHAPTER 5**REMEDIES, OFFENCES AND PENALTIES**

- 37. Damages for misuse of registered heraldic representations, traditional cultural symbols, names, related designation or uniforms.
- 38. Penalties for misuse of registered representations, traditional cultural symbols, names, related designations or uniforms.
- 39. Offensive behaviour toward the national emblems or other recognised national symbols.
- 40. False entries.
- 41. Furnishing representations of personal Arms.
- 42. Savings.

CHAPTER 6

REPEAL OF LAWS AND TRANSITIONAL PROVISIONS

- 43. Repeal of Laws and Transitional Provisions.
- 44. Short Title and Commencement of the Act.

SCHEDULE

Laws repealed or amended by Section 44.

CHAPTER 1

INTRODUCTORY PROVISIONS

1. Definitions.

In this Act, unless the context otherwise indicates:

'Act' means this Act and includes any regulation made in amplification of the provisions of this Act;

'administrative action' means any decision taken, or any failure to take a decision, by the National Herald, the Council or a Committee or an official of the Authority exercising a public power or performing a public function in terms of this Act;

'application' means an application referred to in Sections 19, 20, 22, 23, 24 and 25 lodged with the Authority for the registration, amendment or deletion of a registered heraldic representation or name or related designation or uniform, and 'applicant' has a corresponding meaning;

'approve' means approve under this Act and 'approval' has a corresponding meaning;

'association' means any body of persons in the Republic of South Africa or in a foreign country established to engage in any lawful activity;

'Authority' means the National Heraldic Authority established by this Act;

'badge' means any distinguishing pictorial representation, not necessarily displayed on a shield, that is used as a mark of recognition of an individual person, a family, an association, a military, police, emergency or other uniformed or civilian service, formation or unit or any other institution;

'bear' means to use a heraldic representation in order to identify oneself, and 'borne' has a corresponding meaning;

'blazon' means the description of a heraldic representation in the customary heraldic terminology used for that purpose; 'blazoned' has the corresponding meaning;

'coat of arms' means any object being a symbolic representation displayed in colour on a shield in keeping with the principles of heraldry, with or without a crown, coronet, helm, crest, mantling, supporters, motto or other accessories;

'Committee' means a Committee established by the Council in terms of the provisions of Section 9;

'Constitution' means the *Constitution of the Republic of South Africa, 1996*;

'Council' means the National Heraldry Council established by Section 8;

'deletion' means entering in the South African Register an endorsement declaring the registration of a particular registered heraldic representation, traditional cultural symbol, name, related designation, or uniform to be annulled and without legal force and effect;

'descendant' includes an adopted child, a child conceived by artificial fertilisation, a child borne by a surrogate mother, or a child of unmarried parents, all as provided for in the *Children's Act 2005* (Act No 38 of 2005), as amended;

'difference' means a brisure, mark or alteration in design or other form incorporated in the shield of a coat of arms in keeping with the principles and rules of heraldry so as to differentiate clearly and sufficiently between the separate owners of such heraldic representations; and 'differencing' has a corresponding meaning;

'display' means the use of a heraldic representation for purposes other than self-identification, including, but not limited to, indicating membership of an association or institution, or for decorative purposes;

'emblem' means a pictorial or three-dimensional representation of an object that is used as a symbol of a particular quality or concept, relationship, person, association, institution, group or country;

'flag' means a piece of fabric of distinctive design and colour as a symbol of identity; attachable to a staff and used as a means of identification or signal;

'Gazette' or 'Government Gazette' means the Government Gazette of the Republic of South Africa;

'heraldry' means

- (a) the study and art of designing and describing coats of arms, badges, flags, national, and cultural and indigenous symbols, other emblems and marks of identity with the exception of trade or merchandise marks;
- (b) the rules, traditions and practices relating to the registration of heraldic representations and the depiction of such in heraldic art;
- (c) the regulation thereof;

- (d) determining legal rights in them and registering and protecting their ownership;

'heraldic representation' means a coat of arms, traditional cultural symbol, badge or other emblem;

'institution' means any private or public institution established for any lawful purposes whatsoever including educational, professional, religious, scientific, agricultural, maritime, heritage, cultural, linguistic, arts, sports, trades, craft or research and development in the Republic, or in a foreign country;

'Minister' means the Cabinet member responsible for the department of state in which the Authority is located;

'name' means the word or words by which an, association, institution or animal is known;

'national emblems' means heraldic representations used to identify the Republic as described in Chapter 4, Section 36;

'National Herald' means the officer appointed in terms of this Act;

'official' means of or belonging to the Government of the Republic or any provincial or local government;

'other emblem' means any characteristic flag, pennant, seal, insignia of an order, decoration or medal, insignia of rank or office or other symbolic representation but not a coat of arms or badge or traditional cultural symbol;

'owner' in relation to any heraldic representation, name or related designation or uniform, means an official authority, traditional community, association, institution, or individual person

- (a) in whose name such heraldic representation, name, related designation or uniform, has been registered, or
- (b) who is able to provide satisfactory evidence that entitlement to ownership and its recording have been acquired
 - (i) by the user, or
 - (ii) by the user's predecessors or ancestors through usage over a long period

without infringing the rights of any prior owner;

'personal coat of arms' means any coat of arms borne by a natural person;

'register' means the South African National Register or Registers kept in terms of Chapter 3 (15);

'registrable' means that –

- (a) a heraldic representation, traditional cultural symbol badge, name, related designation or uniform can be clearly, unambiguously and consistently described and be differenced or distinguished in compliance with the conditions for registration as determined by the Council or by the Minister by regulation in the *Gazette*;

- (b) the applicant's ownership, or descent from or legal succession to an earlier lawful owner of a heraldic representation can be proved; and
- (c) the registration of a heraldic representation, traditional cultural symbol badge, name, related designation or uniform complies with Council policy.

'registration' means an entry in the register; and 'registered' has a corresponding meaning;

'regulation' means any regulation made in accordance with the provisions of Section 14 or Section 20 (3) (a);

'related designation' means a designation used by the owner of a registered name in addition to that name, referred to in Section 18 (3); and may include the post-nominal letters, curtailed words, acronyms, abbreviated names, designations or shortened titles used in lieu of the full name, and shall include any 'special name' already registered or protected under the Heraldry Act 1962 (Act 18 of 1962) as amended;

'shield' means a stylized depiction of a shield used for displaying a coat of arms;

'totem' means a creature or object used as the kinship emblem of a traditional community or a family on grounds of such kinship;

'totem emblem' means an emblem depicting in a distinctive form a creature or object that is the totem of a traditional community, a family or a person;

'traditional community' means a recognised traditional community as described in the *Traditional Leadership and Governance Framework Act, 2003* (Act 41 of 2003);

'traditional council' means a traditional council established in terms of the *Traditional Leadership and Governance Framework Act, 2003* (Act 41 of 2003);

'traditional cultural symbol' means a totem emblem or other symbol used by a traditional community in a distinctive form as a means of identification;

'uniform' means any article or articles of apparel, being distinctive in design or colour, but without a heraldic representation as part thereof and not likely to give offence and intended for wearing by members of any official authority, association, institution, or traditional community engaging in any lawful activity;

2. Objects and Application of this Act

- (1) The objects of this Act are to
 - (a) provide for a South African National Heraldic Authority and National Heraldry Council and committees able to modernise and coordinate the roles played by the Heraldry Authority with other departments;
 - (b) provide for the registration of heraldic representations, traditional cultural symbols, names, related designations and uniforms and the protection of their owners rights therein;

- (c) effect the continuation and extension of the provision of protection of existing heraldic representations, traditional cultural symbols names, traditional cultural symbols related designations and uniforms owned by governmental authorities, associations, institutions and persons and traditional communities;
- (d) provide for an Act that will accord with the provisions of the Constitution, 1996, and the *Promotion of Administrative Justice Act, 2000*;
- (e) promote the progressive development of heraldry so as to reflect the country's cultural diversity and project a distinct South African heraldic image with a unique character and style in keeping with the advent of democratic governance that relates to present-day South Africa;
- (f) promote the formulation of policies, planning and sound practices, services of a high quality and customer care in the delivery of such services;

(2) This Act binds the State.

3. Principles

The application of this Act and all regulations, procedures and administrative practices established in pursuance of this Act shall comply with the principles and rights contained in the *Constitution, 1996* and the *Promotion of Administrative Justice Act, 2000* (Act 3 of 2000), and the following general principles shall apply:

- (a) Whenever the Act gives any discretionary power to the National Herald or the National Heraldry Council, such power shall not be exercised adversely to any applicant or objector or to any other person who appears to be an interested party unless such applicant, objector or interested party is afforded a reasonable opportunity of being heard.
- (b) Every official authority, traditional community, association, institution and person in the Republic has the right to bear a heraldic representation, provided that such representation is not already lawfully borne by another owner in the Republic.
- (c) Registration of a heraldic representation is a means of formalising and embodying its owner's rights and rendering them enforceable under this Act; provided that registration is voluntary and absence of registration does not necessarily mean that a heraldic representation is inferior or invalid or unlawful in any way;
- (d) A personal coat of arms or other personal heraldic representation is lawfully borne by one living person at a given time and is unique to that person.
- (e) A personal coat of arms or other personal heraldic representation is hereditary, subject to proven descent from an earlier lawful owner with the same surname, and provided that similarity of surname alone does not create a right to inherit a particular coat of arms or other heraldic representation.

- (f) No person may be deprived of his or her or its right to any coat of arms or other heraldic representation which he or she may be entitled to inherit, but he or she or it is not obliged to bear it and may assume and bear another coat of arms or heraldic representation in lieu thereof if he or she wishes.
- (g) The concept of a "family coat of arms" is not recognised, but members of families can own distinct personal coats of arms and other heraldic representations.
- (h) No person is entitled to any individual precedence, rank, title or appointment in the Republic because he or she:
 - (i) has registered a heraldic representation in his or her name, or
 - (ii) has been granted a heraldic representation by an authority in another country, or has inherited, or is entitled to inherit, such granted heraldic representation.

CHAPTER 2

SOUTH AFRICAN NATIONAL HERALDIC AUTHORITY, NATIONAL HERALDRY COUNCIL AND COMMITTEES

Part A

South African National Heraldic Authority and National Herald

4. Establishment of a South African National Heraldic Authority

- (1) There is hereby established a South African National Heraldic Authority for the registration and protection of heraldic representations, traditional cultural symbols, names and related designations and uniforms and for the performance of such other functions as are assigned to the Authority by or under this Act.
- (2) The Authority shall be organised as a unit of the department of state in which the Authority is located and may be sub-divided as may be prescribed by the Director General of the Department.
- (3) The Authority shall have an official seal.

5. Objects of the South African National Heraldic Authority

The objects of the Authority are to –

- (1) act as the competent registering authority for National Emblems to safeguard them against abuse or malicious treatment or use;
- (2) register any heraldic representation, name or related designation or uniform which is owned by official authorities associations and institutions, traditional communities or individual persons subject to the rules and principles of heraldry and in accordance with the officially established South African heraldic identity and tradition;
- (3) foster and advance public interest and research into national, cultural and

indigenous symbols, the transformation and progressive development of heraldry in South Africa, and the translation into indigenous languages of heraldic terms;

- (4) cooperate with the foreign national authorities, international organisations and associations in the fields of heraldry and related subjects.

6. Functions of the South African National Heraldic Authority

The functions of the Authority shall be to-

- (1) receive and examine applications for registration, amendment or deletion of, and objections against the registration, amendment or deletion of heraldic representations, traditional cultural symbols, names and related designations and uniforms;
- (2) advise applicants and render assistance to them on devising registrable heraldic representations, traditional cultural symbols and distinctive names and related designations and uniforms;
- (3) establish, maintain, manage and control the National Registers of heraldic representations, traditional cultural symbols, names and related designations and uniforms;
- (4) establish and maintain inventories, indices, files, a library and all associated documents lodged by applicants and archival material and specialised publications and documents held by the Authority in terms of this Act;
- (5) devise, prepare and issue certificates of registration in conformity with established national and international standards of excellence in relation to such documents;
- (6) promote the awareness, appreciation, knowledge and utility of heraldic representations, traditional cultural symbols, emblems and other marks of identity,
- (7) publish guides on heraldic services provided by the Authority for the assistance of prospective applicants;
- (8) facilitate academic research, scholarship, achievements and proficiency in the fields of heraldry and heraldic art in all branches of heraldry;
- (9) encourage the publication of appropriate books, journals, reports or other publications whether printed, aural, visual, computerised or accessible on the internet;
- (10) administer the meetings of the National Council and technical and advisory committees and to provide effective secretariat facilities;
- (11) perform such other related duties as may be assigned to the Authority by the Minister or the National Heraldry Council in accordance with the provisions of this Act.

7. National Herald

- (1) There shall be appointed, in accordance with the laws governing the Public

Service, a National Herald as head of the National Authority.

(2) **The functions** of the National Herald are to —

- (a) direct and control the operations and duties of the Authority;
- (b) advise the government on heraldry and related matters such as vexillology and flag protocol;
- (c) represent the Authority where appropriate inside South Africa and abroad;
- (d) direct and control the procedures for carrying out the provisions of this Act and establish and maintain standards in the preparation and depiction of heraldic representations, traditional cultural symbols, names and related designations, uniforms and other marks of identity in accordance with and the provisions of this Act;
- (e) register heraldic representations, traditional cultural symbols, names and related designations and uniforms and issue certificates to their owners;
- (f) participate and promote participation in international collaborative heraldic, genealogical or vexillological projects and conferences and negotiate and enter into international agreements approved by the Minister.

(3) The National Herald shall perform such appropriate additional functions in relation to the provision of heraldic services as may be assigned by the Minister or the National Heraldry Council in accordance with the provisions of this Act.

Part B

National Heraldry Council and Technical Committees

8. National Heraldry Council

- (1) A National Heraldry Council (hereafter referred to as 'the Council') is hereby established.
- (2) The Council shall be appointed for terms of three years.
 - (a) A Council member shall not be appointed for more than two consecutive terms.
 - (b) To ensure continuity the Minister, in consultation with the National Herald (who is an *Ex-Officio* member), shall select a maximum of one member of the previous Council (in addition to the National Herald) and five other (new) members to compose a new Council.
- (2) The Council shall comprise:
 - (a) the National Herald and the principal staff officer responsible for heraldic matters in the South African National Defence Force, both *ex officio*; and:

- (b) six other members, appointed by the Minister, and comprising :
 - (i) a person qualified to practice as an advocate or as an attorney of the High Court;
 - (ii) a person with specialised knowledge of South African indigenous culture; and
 - (iii) four members of whom two shall have knowledge of heraldry or any branch of heraldry.
- (3) Members of the Council, except the *ex officio* members, shall be appointed for terms of three years, on conditions determined by the Minister.
- (4) The functions of the Council shall be; subject to the provisions of the *Constitution, 1996*, and the *Promotion of Administrative Justice Act, 2000* to:
 - (a) Act in an advisory capacity and in consultation with the National Herald determine the rules of heraldry as applied in the South African context.
 - (b) consider and decide upon matters referred to it by the National Herald or the committees the Council may appoint;
 - (c) consider appeals lodged under Section 31;
 - (d) perform such appropriate additional functions in relation to heraldry and other functions of the Authority, as may be assigned to it by the Minister in accordance with the provisions of this Act, or as requested by a committee or the National Herald;

9. Presiding Member of the Council

- (1) The Minister shall designate one of the members of the Council, other than an *ex officio* member, to preside over the Council and its meetings.
- (2) If the presiding member chairperson vacates the position, for any reason, before the expiry of the period for which he or she was appointed, the Minister shall, after consultation with the National Herald and the members of the Council, appoint another member of the Council, other than an *ex officio* member, as chairperson for the remainder of the Council's term of office.
- (3) If the presiding member is absent from a meeting of the Council, the members present at such meeting shall elect one of their number to preside over the meeting.

10. Removal of Members from the Council

- (1) A member of the Council shall vacate office if :
 - (a) he or she
 - (i) resigns in writing;

- (ii) has been absent from three consecutive meetings of the Council without leave or explanation;
 - (iii) is an unrehabilitated insolvent;
 - (iv) is found to be of unsound mind by a court of law;
 - (v) is convicted of an offence involving dishonesty or bodily harm and is sentenced to imprisonment without the option of a fine;
 - (vi) materially breaches the Council's code of ethics; or
 - (b) the majority of the Council recommends on reasonable grounds, that the Minister removes that member from the Council.
- (2) Subject to the provisions of section 8(3), the Minister may appoint a member to the Council
- (a) to replace a member who has vacated office in terms of subsection (1) or who has died; or
 - (b) to act on behalf of a member who is indisposed or is unable to perform his or her duties for any other reason.

11. Committees

- (1) The Council, may establish technical committees which:
- (a) may consider objections lodged in terms of Section 29 (2); and
 - (b) may appoint one or more other committees, to:
 - (i) act as sources of expert knowledge to advise the Council and the Authority;
 - (ii) consider applications and any other matters which the National Herald refers to it or for which the Council seeks guidance;
 - (iii) provide advice or views regarding applications or other matters referred to them.
- (3) The Council may appoint to any committee persons who are not members of the Council, but the majority of the members of a committee must be members of the Council. The National Herald as *ex officio* shall be a member of all technical committees.
- (4) Technical Committees shall comprise the presiding member of the Council and the National Herald who may co-opt staff members of the National Heraldic Authority for their technical expertise to assist and advise, depending on the heraldic matter being considered.
- (3) The Council shall designate a member of a committee to preside over that committee's meetings. If the chairperson is absent from a meeting of the committee, the members present at such meeting shall elect one of their

number to preside over the meeting.

- (4) The provisions of section 10 shall apply *mutatis mutandis* to the removal of members of a committee.

12. Meetings of the Council and Committees

- (1) (a) the National Herald shall determine the frequency of Council and Committee meetings, with a mandatory minimum of two meetings per calendar year; where it shall meet and the procedure and quorum at its meetings, including the number of votes required for a decision. Additional meetings may be called for by the National Herald as and when the need arises.
- (b) The presiding member of the Council or the National Herald may, when either of them considers it advisable, invite to Council meetings persons who are not Council members but who have special knowledge or particular contributions to make, or who represent particular interests of value to or of concern to the Council's deliberations.
- (2) (a) Subject to any directions by the Council, a committee shall determine the frequency of its meetings, where it shall meet, and the procedure and quorum at its meetings, including the number of votes required for a decision.
- (b) The chairperson of a committee may, when he or she considers it advisable, invite to committee meetings persons who are not committee members but who have special knowledge or particular contributions to make, or who represent particular interests of value to or of concern to the committee's deliberations.
- (2) Members of the Council or a Committee and any persons who attend meetings in terms of Section 8. (3) (d), who are not full-time employees of the State shall, out of moneys appropriated by Parliament for the purpose, be paid such allowances as the Minister in consultation with the Minister of Finance may determine:
- (a) for attendance at meetings as members of the Council or a Committee or on invitation in terms of Sub-Section (1) (b)); or (2) (b); or
- (b) for work performed for, or services rendered to the Council or the Authority, but only if such work or services were mandated so by the Council.

Part C *Annual Report and Regulations*

13. Annual Report

- (1) The National Herald shall report annually to the Minister on the activities of the Authority and the Council.
- (2) The Minister shall lay a copy of such report on the Table of Parliament within fourteen days of receiving it, if Parliament is then in session or; if Parliament is not then in session, within fourteen days after the commencement of the next ensuing session of Parliament.

- (3) Within five months after the report has been tabled, a delegation consisting of the National Herald and at least two other members of the Council must brief the Portfolio Committee on Arts and Culture.

14. Regulations

- (1) The Minister may, after consultation with, or on the advice of the Council, make regulations relating to –
- (a) all matters which by this Act are required or permitted to be prescribed;
 - (b) all matters which the Minister considers necessary or expedient to prescribe to give effect to the provisions of this Act, or in order that the objects of this Act may be achieved;
 - (c) the form and content of notices, affidavits and declarations for the purposes of this Act;
 - (d) with the concurrence of the Minister of Finance the fees payable for acts performed in terms of this Act or for any certificate or other document issued for the purposes of this Act: and
 - (e) generally, any matter which by this Act is required or permitted to be prescribed or which he or she considers necessary or expedient to prescribe in order that the purposes of this Act may be achieved or that the provisions of this Act may be effectively administered;
- (2) Such regulations may prescribe penalties for a contravention thereof.
- (3) Such regulations shall be published in the *Government Gazette*

CHAPTER 3

REGISTRATION OF HERALDIC REPRESENTATIONS, TRADITIONAL CULTURAL SYMBOLS, NAMES, RELATED DESIGNATIONS AND UNIFORMS

Part A National Registers

15. National Registers of heraldic representations, traditional cultural symbols names, related designations and uniforms.

The Authority shall keep one or more registers in which the National Herald shall record such particulars as he or she determines, after consultation with the Council, in respect of:

- (1) the coat of arms of the Republic, the national flag of the Republic, the coats of arms of the provinces and any other heraldic representation instituted, constituted or created by any law, and any amendment thereof effected by any law;
- (2) any official heraldic representation granted by a competent authority, or adopted in terms of any law, before the commencement of this Act, including

those of the South African National Defence Force, South African Police Service, Metropolitan Police Services and other law enforcement agencies, Correctional Service, Home Affairs, South African Revenue Service and Emergency Services;

- (3) any official heraldic representation granted in terms of section 2 of the Heraldry Act 1962 prior to 7 November 1969, or adopted after the commencement of this Act in terms of any law, and any amendment thereof;
- (4) any other heraldic representation, name, related designation or uniform. the application for registration of which has been approved and any approved amendment thereof.

16. Access to the Registers

- (1) The Registers shall be open for inspection by the public
 - (a) during hours prescribed by the National Herald, and
 - (b) on payment of fees fixed by the Minister in consultation with the Minister of Finance, and
 - (c) subject to conditions prescribed by the National Herald.
- (2) The Authority may, at the request of any person, and on payment of the fees fixed by the Minister with the concurrence of the Minister of Finance, furnish such person with an extract from the Registers, or a reproduction of a registered heraldic representation, traditional cultural symbol, name, related designation or uniform.
- (3) The Authority may, at the request of the owner of any item recorded in the Registers, and with the approval of the Council and on payment of the fees fixed by the Minister in consultation with the Minister of Finance, issue to such owner a duplicate certificate of registration.

17. Correction of Registers or documents

Subject to the provisions of Section 3. (a), the National Herald or the Council may

- (1) upon a written request which is accompanied by the prescribed fees, or
- (2) without such request,

authorise the correction of any clerical error in any document lodged or issued in terms of this Act or in the Registers.

Part B Applications for registration

18. Items which may be Registered

The following may be registered under this Act:

- (1) heraldic representations;
- (2) traditional cultural symbol badges;
- (3) related designations and uniforms.

19. Applicant for registration

The following persons may apply to register items referred to in Section 18:

- (1) official authorities, i.e. national or provincial governments, municipalities;
- (2) traditional communities;
- (3) associations;
- (4) institutions;
- (5) persons.

20. Application for registration, or for amendment, or deletion of registration

- (1) An official authority, traditional community, association, institution or person may apply to the Authority for the registration in its name of a heraldic representation (other than a traditional cultural symbol) or for the amendment or deletion of any existing registration of a heraldic registration in its name.
- (2) A traditional community may, through the traditional council established for it, apply to the Authority
 - (a) for the registration in its name of a traditional cultural symbol in a unique design configuration, or
 - (b) for the amendment or deletion of any existing registration of a traditional cultural symbol in its name;

provided that a traditional community shall not have any exclusive right to or exclusive ownership of any natural animal or object which forms part or the whole of the traditional cultural symbol.
- (3) An official authority, a traditional community an association or institution may apply to the Authority for the registration in its name of
 - (a) a name or a related designation;
 - (b) a uniform; or
 - (c) for the amendment or deletion of any existing registration of a name, related designation or uniform in its name.
- (4) An official authority, association, institution or person situated or resident in a foreign country may apply for the registration in its, his or her name of a heraldic representation, or for the amendment or deletion of any existing registration in its, his or her name; provided that the Council is satisfied that such representation does not conflict with the provisions of this Act.

- (5) The Authority may, at its discretion and subject to any policy that may be determined by the Council, receive an application referred to in subsections (1) to (5), and evidence of an applicant's right to the heraldic representation, traditional cultural symbols, name, related designation or uniform concerned, in good faith; provided that the application shall remain subject to the provisions of Parts C, D and E of this chapter.

21. Prior approval of official heraldic representations

Before any official authority, including the South African National Defence Force, South African Police Service, Metropolitan Police Services and other law enforcement agencies, Correctional Service, Department of Home Affairs, South African Revenue Service and any Emergency Service, adopts an official heraldic representation in accordance with the provisions of any law, it shall consult the South African National Heraldry Authority as to the acceptability and registrability of such representation and such heraldic representation shall be subjected to the same registration procedures as are set out in part C of this Chapter for other applications.

22. Devolution of Arms

A natural person in whose name a heraldic representation has been registered may apply to the National Herald for such representation to be re-registered, with or without differencing, as may be determined by the National Herald,

- (1) in his or her lifetime or after death, in the name of any of his or her descendants who bear his or her surname; or
- (2) after his or her death, in the name of any other person who bears the registered owner's surname provided that the registered owner has not been survived by any descendant.

23. Descendants or Heirs

Any descendant of a natural person who lawfully bears or bore a particular personal heraldic representation, who bears the same surname as that person, may apply to the National Herald for the registration, with or without differencing, of that personal heraldic representation in his or her name.

24. Legal Successors

A national, provincial or local, government authority, traditional community, association or institution which is the legal successor to any national or provincial authority, local government authority, traditional community, association or institution which no longer exists may apply to the National Herald for the re-registration in its name, of any heraldic representation, name, related designation or uniform which has been registered in the name of its legal predecessor.

Part C

*Application process***25. Manner of application**

An application for

- (1) registration of a heraldic representation, traditional cultural symbol, name, related designation or uniform or
- (2) any amendment or the deletion of a registered heraldic representation, traditional cultural symbol, name, related designation or uniform,

shall be made to the National Herald on the prescribed form and shall be accompanied by such documents and designs as the National Herald may determine and by the fees determined by the Minister with the concurrence of the Minister of Finance.

26. Examination of applications

- (1) After receipt of an application submitted in the prescribed manner, the National Herald shall examine it to determine whether or not the design complies with the requirements for registration prescribed by this Act, and, in the case of a heraldic representation (other than a traditional cultural symbol), conforms to the principles and rules of heraldry, and may -
 - (a) accept or reject the application;
 - (b) refer it to a Committee for advice or to the Council for advice or a decision; or
 - (c) request the applicant to furnish any further information or particulars as he or she, a Committee or the Council may require before proceeding with the examination.
- (2) The National Herald may reject an application for registration or amendment if he or she is of the opinion that -
 - (a) in the case of a heraldic representation (other than a personal heraldic representation) it is not differenced from
 - (i) another heraldic representation that is already registered under this Act;
 - (ii) a heraldic representation which he or she knows to have been granted or registered by an authority in another country; or
 - (iii) an unregistered heraldic representation which, to the knowledge of the applicant or the National Herald, is already borne by another person in the Republic; or
 - (iv) any South African national emblem;
 - (b) in the case of a heraldic representation (other than a traditional cultural symbol), its design does not accord with the internationally accepted principles of heraldry or cannot be clearly and consistently described and blazoned according to the internationally accepted principles and

rules of heraldry, and is not inherently characteristic;

- (c) in the case of a heraldic representation, it does not include or closely resemble any South African national emblem;
- (d) in the case of a name, a related designation or a uniform, it, or any substantial part thereof, is already registered under this Act, or any other law;
- (e) the application does not comply with the provisions of this Act or is defective in other respects;
- (f) the applicant does not furnish the further information or particulars referred to in Section 26. (1) (c).

27. Consideration of applications by a Committee

Whenever the National Herald refers an application or an application together with an objection by himself or herself or by a member of the public to a Committee, the Committee may, subject to the provisions of Section 3(a),

- (a) recommend the approval of the application; or
- (b) support the objection and recommend the rejection of the application.

28. Notice of Application

After examining an application the National Herald shall give notice thereof in the *Gazette* and state in such notice the period within which an objection to the registration, amendment or deletion shall be lodged with the Authority.

29. Objections

Any **interested** official authority, traditional community, association, institution, or person may for good reason

- (1) object to the registration of any heraldic representation, traditional cultural symbol, name, related designation or uniform, or to its amendment or deletion of a registered heraldic representation, traditional cultural symbol, name, related designation or uniform on the grounds that such registration, amendment or deletion would
 - (a) encroach upon rights to which the objector is legally entitled or may be entitled; or
 - (b) materially and adversely affect the objector's rights or legitimate interests.
- (2) An objector shall lodge an objection with the Authority in such manner and within such period as the National Herald may determine by notice in the *Gazette*.

30. Consideration of objection

If any objection is lodged against the registration of such heraldic representation, traditional cultural symbol, name, related designation, or uniform or any amendment or the deletion of any such item, the National Herald shall refer the application and the objection to the committee established under this Act .

31. Appeal against decision of National Herald

- (1) (a) An applicant whose application has been rejected by the National Herald or the a committee may within six weeks after the Authority has informed him, her or it thereof, appeal to the Council in writing and specify the grounds of appeal against the rejection of the application.
- (b) The Council may, subject to the provisions of subsections (3),
 - (i) uphold the appeal and approve the application concerned, or
 - (ii) reject the appeal.
- (2) (a) A person whose objection to an application, lodged in terms of section 29, was overruled by the Council may within six weeks after the Authority has informed him, her or it thereof, appeal to the Council in writing and specify the grounds of appeal against the rejection of the objection.
- (b) The Council may subject to the provisions of section 31 (3) and (4)
 - (j) uphold the appeal and the objection and reject the application, or
 - (ii) reject the appeal.
- (1) At the hearing of any such appeal against the rejection of an application or objection, the National Herald and the personnel of the Authority shall not take part in the decision.

Part D

Registration, amendment or deletion of registration

32. Registration, amendment or deletion

If an application for the registration, amendment or deletion of a heraldic representation, traditional cultural symbol, name, related designation or uniform is approved by the National Herald or Council -

- (1) the National Herald shall, in the case of an application for registration or amendment,
 - (a) enter in the register the particulars determined by the National Herald in respect of that heraldic representation, traditional cultural

symbol, name, related designation or uniform;

- (b) give notice in the *Gazette* of the registration or amendment; and
- (c) issue to the applicant a certificate of registration in the form determined by the National Herald;

- (2) the National Herald shall, in the case of an application for deletion, delete the particulars concerned from the Register and give notice thereof in the *Gazette*:

33. Deletions of registrations of heraldic representations, traditional cultural symbols, names, related designations or uniforms.

Registrations continue in perpetuity and no registered heraldic representation, traditional cultural symbols, name, related designation or uniform may be transferred into the name of any other person nor may it be deleted from the Registers of the National Heraldry Authority except as provided for in this Act.

Part E
Certificate of Authenticity

34. Certificate of Authenticity

- (1) Any person may apply to the National Herald for a certificate stating that the heraldic representation to which the certificate relates is a true representation of the personal coat of arms lawfully borne by the person named therein.
- (2) When considering an application for such certificate, the National Herald
 - (a) may require the applicant to submit evidence of the correctness of any allegations to which the application applies;
 - (b) shall take into consideration evidence that the representation concerned is a representation of a personal coat of arms which
 - (i) was granted by a competent authority to a person with the family name in question, or
 - (ii) was lawfully borne by any such person.

CHAPTER 4

NATIONAL EMBLEMS OF THE REPUBLIC OF SOUTH AFRICA

35. National Emblems. The identity of the Republic of South Africa is distinguished heraldically by the following national emblems –

- (1) the National Flag of the Republic as provided for in Section 5 of the *Constitution of the Republic of South Africa, 1996*; and
- (2) the National Coat of Arms of the Republic.

36. Ownership.

- (1) The Republic of South Africa, as defined in section 1 of the *Constitution, 1996*, is the sole and exclusive owner of the national emblems.
- (2) The use of national emblems in connection with a mark or trademark or with a trade, business, profession or occupation shall be in accordance with the provisions of the *Merchandise Marks Act, 1941*, the *Unauthorised Use of Emblems Act, 1961*, the *Trade Marks Act, 1993* and any other applicable laws.

CHAPTER 5

REMEDIES OFFENCES AND PENALTIES

37. Remedies for misuse of registered heraldic representations, names, related designation or uniforms.

- (1) Subject to the provisions of section 20(2), registration of a heraldic representation, name, related designation or uniform confirms the owner's right of property in it and his, her or its exclusive right to its use, including
 - (a) the use of a substantial part of it, and any reproduction or adaption thereof which is not differenced from it, and
 - (b) wearing, selling, bartering or otherwise trading in it or any goods or services exhibiting it.
- (2) No person may wear, use, sell, barter or otherwise trade in any registered name, related designation or uniform, or a substantial part of it, or any reproduction or adaption of it, unless he or she or it
 - (a) is the registered owner of the registered item, or
 - (b) is a member of an association or institution which is the registered owner, or
 - (c) has obtained the registered owner's written authority to do so.
- (3) No person may wear, use, sell, barter or otherwise trade in any registered heraldic representation, or a substantial part of it, or any reproduction or adaptation thereof which is not differenced from it, unless he or she or it
 - (a) has a lawful reason to do so, or
 - (b) is the registered owner of the item concerned, or
 - (c) has obtained written authority to do so from the registered owner or, in the case of a personal heraldic representation whose registered owner has died, from that owner's surviving spouse or descendant.
- (4) If any person contravenes subsection (2) or (3), the registered owner concerned or, if the registered owner of a personal heraldic representation has died, that owner's surviving spouse or descendant, may sue the person in any court of law for:
 - (a) (i) an amount not less than twice the current fee (at the time the action is brought) for the registration of the heraldic representation, name, related designation or uniform concerned, without having to prove damages, and

- (ii) the cost of the action; or
- (b) (i) damages or an interdict or the delivery up of infringing goods, or any combination of these, and
- (ii) the cost of the action.

38. Penalties for misuse of registered items

- (1) No person may sell, barter or use for gain, or otherwise trade in a registered official heraldic representation or any reproduction or adaption thereof which is not differenced from it, unless he or she or it –
 - (a) has a lawful reason to do so, or
 - (b) is the registered owner of the registered item, or
 - (c) has obtained the registered owner's written permission to do so.
- (2) No person may use a registered name, related designation (or abbreviation of it) or uniform in such a manner that it could reasonably be inferred that he, she or it is the registered owner or lawful user of it, or a member of the association or institution which is the registered owner, unless he, she or it
 - (a) is the registered owner or a lawful user of the item, or
 - (b) is a member of an association or institution which is the registered owner, or
 - (c) has obtained the registered owner's written permission to do so.
- (3) If any person contravenes subsection (1) or (2), he, she or it may be prosecuted, and shall be liable on conviction to a fine.

39. Offensive behaviour toward the national emblems

Any person who uses or treats a national emblem in a manner that is intended to show contempt or hatred or to be in any way abusive, insulting, belittling, disparaging, or demeaning of any or all of them, shall be guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

40. False entries. Any person who, knowing the actions to be wrongful –

- (1) makes or causes to be made a false entry in the register;
- (2) makes or causes to be made any document falsely purporting to be a copy of an entry in the register or of any certificate issued under this Act;
- (3) produces or tenders or causes to be produced or tendered as evidence any such entry or copy thereof; or
- (4) makes any false statement or representation for the purpose of deceiving the National Herald or the Council in the execution of the provisions of this Act,

shall be guilty of an offence and liable on conviction to a fine or in default of payment to Imprisonment for a period determined by the Court, and the National Herald shall delete from the register any false entry referred to in Subsection (1).

41. Furnishing representations of personal Arms

- (1) (a) Any person or body who furnishes another person with any heraldic representation which he or she or it alleges, or which on the face of it purports to be a true representation of a personal coat of arms which can be, or was or could have been lawfully borne by any person with a particular family name, must
 - (i) first obtain a certificate of authenticity as provided for in **Section 34**, and
 - (ii) provide a certified copy of such certificate to the person to whom he or she or it furnishes the representation.
- (b) Failure to do so shall be an offence, for which he or she or it shall be liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.
- (2) If in any prosecution for a contravention of subsection (1) it is proved that the accused furnished a representation which on the face of it purports to be a true representation of a family coat of arms, a statement, made by the accused in connection with the furnishing of the representation, to the effect that it is not claimed or implied that the representation concerned is such a true representation, shall not be a defence to the charge.

42. Savings

- (1) Nothing in this Act shall prevent any person from using any registered heraldic representation, name, related designation or uniform in the course of, or for the purpose of, any stage play, historical pageant or other form of performance or entertainment or in any cinema or television or video or other electronic medium, provided it is not used in such a manner or under such circumstances as to bring it into ridicule or contempt.
- (2) Nothing in this Act shall prevent the continued use of any mark registered under the Trade Marks Act, 1993, any design registered under the Designs Act, 1993, or any mark or design not protected under those Acts but which has been bona fide used as a trade mark or design before the commencement of this Act: Provided that the onus of proving such *bona fide* use shall be upon the person making such claim.
- (1) Nothing in this Act shall deprive any person of the right to use any heraldic representation, traditional cultural symbol, name, related designation or uniform which at the commencement of this Act is not unlawfully in regular use by such person: Provided that the onus of proving such use shall be upon the person making such claim.
- (4) Nothing in this Act shall deprive any person of the right to use any heraldic representation, traditional cultural symbol, name, related designation or

Uniform, the use of which he or she has become entitled by reason of his or her membership or past membership of an association or institution, within or outside the Republic: Provided that the onus of proving such right shall be upon the person claiming such right.

Chapter 6

Repeal of Laws

43. Repeal of Laws and Transitional Provisions

- (1) **Repeal of Laws.** Subject to subsections (2) and (3), the laws mentioned in the Schedule to this Act are hereby repealed to the extent set out in the third column of that Schedule.
- (2) **Corresponding Provisions of Acts.** Any regulation or notice issued or appointment made or anything done under the provisions of any law repealed by Section 1, must be regarded as having been issued, made or done under the corresponding provisions of this Act, and must be construed as if provided for under this Act.
- (3) **References to Previous Act.** A reference in any law to a provision of the *Heraldry Act, 1962* (Act No. 18 of 1962), as amended, must be construed as a reference to the corresponding provision of this Act.
- (4) **Previous Registrations.** All registrations in accordance with the provisions contained in the *Heraldry Act, 1962*, (Act No. 18 of 1962), and the *Protection of Names, Uniforms and Badges Act, 1935* are deemed to have been registered and protected by the provisions of this Act.
- (2) **Register.** The existing Register becomes the National Register provided for in this Act.
- (3) **Pending Applications.** All applications for registration pending at the time this Act comes into effect shall be finalized in accordance with the provisions of this Act.
- (4) **Authority and Personnel.** On the date this Act comes into effect the Bureau of Heraldry becomes the South African National Heraldic Authority and its personnel retain their positions, ranks, salaries and all other benefits.
- (8) **National Heraldry Council.** The Heraldry Council shall become the National Heraldry Council and the Chairperson and members continue to serve for the remainder of their current terms of appointment.

44. **Short Title and commencement of the Act.** This Act shall be called the *National Heraldry Act, 2015*, and shall come into operation on a date to be fixed by the President by proclamation in the *Government Gazette*.

SCHEDULE**Laws repealed or amended by Section 44.**

Serial No.	Act	Extent of Repeal
	The Heraldry Act, 1962 (Act No. 18 of 1962)	The whole
	Heraldry Amendment, 1969 (Act No. 54 of 1969)	The whole
	Heraldry Amendment Act, 1980 (Act No. 63 of 1980)	The whole
	Heraldry Amendment Act, 1982 (Act No. 22 of 1982)	The whole
	Education and Heraldry Laws Amendment Act, 1984 (Act No. 6 of 1984)	Sections 1 and 2
	General Law Amendment Act, 1996 (Act No. 49 of 1996)	Section 1
	Abolition of Restrictions on the Jurisdiction of Courts Act, 1996 (Act No. 88 of 1996)	Section 25???
	Cultural Laws Amendment Act, 2001 (Act No. 36 of 2001)	Sections 1, 2 and 3?

LAWS AMENDED?

No. and year of law	Short title	Extent of amendment
Act No 11 of 1999	National Heritage Council Act	Amend section 5 (1) (c) (iii) by inserting the word 'National' in front of 'Heraldry Council'.
Act No 25 of 1999	National Heritage Resources Act	Amend section 2 (xxviii) by substituting the words "Section 36. of the Heraldry Act, <u>20xx</u> (Act No <u>xx</u> of <u>20xx</u>)" for "Section 5 of the Heraldry Act 1963 (Act No 18 of 1963)".

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 3084

24 February 2023



competitioncommission
south africa

**Guidelines on the Exchange of Competitively
Sensitive Information between Competitors under
the Competition Act No.89 of 1998 (as amended)**

Final

27 January 2023

Persons Responsible:

Maya Swart

1. PREFACE

- 1.1. These Guidelines have been prepared in terms of section 79(1) of the Competition Act No. 89 of 1998 (as amended) (“the Act”) which, *inter alia*, empowers and authorises the Competition Commission (“Commission”) to prepare, amend, replace, and issue guidelines to indicate its policy approach on any matter falling within its jurisdiction in terms of the Act. These Guidelines are not binding on the Commission, the Competition Tribunal, or the Competition Appeal Court in the exercise of their respective discretions and of their interpretation of the Act but must be taken into account when interpreting or applying this Act.
- 1.2. The Commission identified a need to provide guidance to Trade Associations and both public and private stakeholders on the sharing of information between Competitors. From time-to-time Trade Associations and other stakeholders request advisory opinions from the Commission on setting up information exchange systems and it is apparent that there is some uncertainty on what constitutes permissible and impermissible information exchange within the framework of the provisions of section 4 of the Act. In the circumstances there is clearly a need for the Commission to provide guidance to relevant stakeholders on the type of information exchange that may potentially be harmful to competition and the type that may enhance Efficiencies.
- 1.3. The Guidelines present the general approach that the Commission will follow in determining whether information exchange between Firms that are Competitors amounts to a contravention of section 4 of the Act. The principles set out herein are not intended to be applied mechanically, as information exchange cases are evaluated on a case-by-case basis, depending on, amongst other things, the nature of the information sought to be exchanged, the purpose for which the information is being exchanged

and the market characteristics and dynamics. The Commission may from time to time amend the Guidelines where necessary.

2. DEFINITIONS

Unless the context indicates otherwise, the following terms are applicable to these Guidelines-

- 2.1. **“The Act”** means the Competition Act No. 89 of 1998, as amended;
- 2.2. **“Agreement”** when used in relation to a prohibited practice, includes a contract, arrangement or understanding, whether or not legally enforceable;
- 2.3. **“Aggregated”** means information where the recognition or identification of an individual Firm’s information is not possible;
- 2.4. **“Anti-competitive”** means an action and/or conduct by a Firm that has adverse effects on local/regional/national/international competition (i.e., any relevant product or geographic market);
- 2.5. **“Competitively Sensitive Information”** means information that is important to rivalry between competing Firms and likely to have an appreciable impact on one or more of the parameters of competition (for example price, output, product quality, product variety or innovation). Competitively sensitive information could include prices, customer lists, production costs, quantities, turnovers, sales, capacities, qualities, marketing plans, risks, investments, technologies, research and development programmes and their results;
- 2.6. **“The Commission”** means the Competition Commission, a juristic person established in terms of section 19 of the Act, empowered to regulate competition matters in South Africa in accordance with the Act;

- 2.7. **“Competitors”** mean Firms that are in the same line of business¹ in a particular market. This may include Firms that actually compete with one another or have the potential to enter the relevant market and compete against one another. Competitors can, but need not be in the same geographical market;
- 2.8. **“Concentration”** as used in reference to markets, refers to the number and relative size distribution of Firms. The fewer competitors in a market, the more concentrated the market structure;
- 2.9. **“Concerted Practice”** means cooperative or coordinated conduct between Firms, achieved through direct or indirect contact, which replaces their independent action, but which does not amount to an agreement;
- 2.10. **“Disaggregated ”** means information that has been broken down into smaller units of information;
- 2.11. **“Efficiencies”** means a reduction in costs incurred by Firms and consumers, or other changes that result in fewer resources being used to produce and transact;
- 2.12. **“Firm”** includes a person (juristic or natural), partnership or a trust. This may include a combination of corporate entities that form part of a single economic entity, a division and/or a business unit of a corporate entity;
- 2.13. **“Guidelines”** mean these guidelines which have been prepared and issued in terms of section 79(1) of the Act;
- 2.14. **“Historical”** refers to Competitively Sensitive Information that relates to past activities that does not provide a meaningful indication of future intended pricing or other competitively significant factors. Whether information is Historical is determined on a case-by-case basis;

¹ *The Competition Commission of SA, Anglo American Medical Scheme & others v United South African Pharmacies & others* Case No:04/CR/Jan02

- 2.15. **“Individualised”** refers to information from which a Firm’s information can be identified;
- 2.16. **“Pro-competitive Gains”** refer to increases in the total surplus or value realised by Firms and/or consumers arising from trade due to an action and/or conduct by a Firm;
- 2.17. **“Trade Association”** means an association established by Firms that operate in a specific industry to promote the collective interests of its membership;
- 2.18. **“Trading Condition or Trading Term”** means any condition or term which affects a transaction including, but not limited to, credit terms, delivery charges, delivery schedules, minimum quantities, and interest charges; and
- 2.19. **“Tribunal”** means the Competition Tribunal, a juristic person established in terms of section 26 of the Act empowered to adjudicate competition matters in accordance with the Act.

3. INTRODUCTION

- 3.1. These Guidelines concern the exchange of Competitively Sensitive Information between Competitors. These Guidelines do not concern the exchange of information which is not Competitively Sensitive Information. These Guidelines deal mainly with exchanges of Competitively Sensitive Information between Competitors directly or through a third party such as a Trade Association, an accounting Firm, or a private company that collects Firms’ information, processes it, and disseminates it among Firms.
- 3.2. The Commission acknowledges that the sharing of Historical and Aggregated Competitively Sensitive Information, among Competitors, in appropriate circumstances, could have benefits for competition, including, but not limited to: improvement of investment decisions; improvement of product positioning; provision of organisational learning; facilitation of

entering an industry; benchmarking best practices; and general trends of market demand. Information exchanges which may benefit competitors without harming competition are, for example, exchanges on good governance practices and health and safety measures as well as nationally Aggregated and Historical information.

- 3.3. However, the exchange of Competitively Sensitive Information may also be Anti-competitive by increasing the likelihood of, establishing, or facilitating collusion or coordination among Competitors. Furthermore, information exchange may also allow Firms to achieve collusive or coordinated outcomes without concluding explicit agreements to co-operate.
- 3.4. The exchange of Competitively Sensitive Information can be instrumental in performing two crucial tasks associated with collusion: coordination and monitoring. To avoid competition, Firms will have to replace their competition with coordination by, for instance, setting prices at a level above what would otherwise be sustainable in a competitive market, or by agreeing to restricting output, or by sharing markets through an allocation of sales, territories, products, customers, or tenders. Having agreed to a particular price or market-sharing arrangement, Firms will monitor for compliance to ensure that the participating Firms are setting the collusive price and have sales consistent with the agreed-upon market allocation.
- 3.5. In some instances, the exchange of Competitively Sensitive Information can result in foreclosure of new entrants by depriving them of access to the exchanged information and enabling the incumbent Firms to observe and take steps to prevent or limit their entry into the market. This type of foreclosure is only possible if the information concerned is very important for competitive rivalry. The extent of the effect of the exchange of Competitively Sensitive Information between Competitors on competition within the relevant market will depend on the facts of each case. The strategic usefulness of the Competitively Sensitive Information also depends on its Aggregation and age, as well as market context and frequency of exchange.

- 3.6. These Guidelines describe those information exchanges that most often occur within the context of Trade Associations and that are likely to be subject to investigation and to form the subject of a prosecution by the Commission, because they facilitate or amount to collusion and may enable Firms to achieve collusive or coordinated outcomes without the need to conclude explicit agreements to co-operate.
- 3.7. These Guidelines are general and are not market, sector, or industry specific.

4. OBJECTIVES

- 4.1. The primary objective of these Guidelines is to provide some measure of transparency regarding the types of information exchanges between Competitors which the Commission considers likely to result in a contravention of section 4 of the Act and those types of information exchanges which are not covered by this provision.
- 4.2. These Guidelines are intended to assist Firms, Trade Associations and other stakeholders to make informed decisions about the competition law consequences of the exchange of Competitively Sensitive Information between Competitors.
- 4.3. The principles outlined in these Guidelines are based on the Commission's experience through its investigations as well as guidance from other jurisdictions in relation to information exchange between Competitors.

5. LEGAL FRAMEWORK

- 5.1. The legal framework for assessing the exchange of Competitively Sensitive Information between Competitors themselves and between Competitors through a third party such as a Trade Association, is found in section 4(1) of the Act. Section 4(1) of the Act states as follows:

“4. Restrictive horizontal practices prohibited

- (1) *An agreement between, or concerted practice by, firms, or a decision by an association of firms, is prohibited if it is between parties in a horizontal relationship and if –*
- (a) *It has the effect of substantially preventing, or lessening, competition in a market, unless a party to the agreement, concerted practice, or decision can prove that any technological efficiency or other pro-competitive gain resulting from it outweighs that effect; or*
 - (b) *it involves any of the following restrictive horizontal practices:*
 - (i) *directly or indirectly fixing a purchase or selling price or any other trading condition;*
 - (ii) *dividing markets by allocating customers, suppliers, territories, or specific types of goods or services; or*
 - (iii) *collusive tendering.”*

5.2. Section 4(1)(a) of the Act prohibits the exchange of Competitively Sensitive Information (which does not fall under section 4(1)(b) of the Act) between Competitors that has the effect of substantially preventing or lessening competition, unless a party to the information exchange can prove Pro-competitive Gains that arise from the information exchanged. Such Pro-competitive Gains will also have to be shown to outweigh the Anti-competitive effect resulting from the information exchange.

5.3. Section 4(1)(b) of the Act prohibits outright information exchange that involves:

- 5.3.1. the direct or indirect fixing of a purchase or selling price or any other Trading Condition;
- 5.3.2. the dividing of markets by allocating customers, suppliers, territories, or specific types of goods or services; and
- 5.3.3. collusive tendering.

- 5.4. The main difference between section 4(1)(a) and section 4(1)(b) is the option given to parties in terms of section 4(1)(a) to put up an efficiency justification in defence of allegations of Anti-competitive exchange of information.
- 5.5. Section 4(1)(b) provides for an outright prohibition when information exchange results in the conduct listed under section 4(1)(b) and there is no opportunity for raising efficiency, Pro-competitive or technological gains as a defence to the alleged Anti-competitive conduct.
- 5.6. Both section 4(1)(a) and section 4(1)(b) require that an agreement between, or Concerted Practice by Firms, or a decision by an association of Firms, be established as part of the contravention.
- 5.7. There are number of factors used to determine the harm caused by the exchange of Competitively Sensitive Information which is set out below.

6. THE HARM CAUSED BY INFORMATION EXCHANGE

- 6.1. Anti-competitive conduct causes harm to competition within the market and to consumers through, for example, increased prices, exclusion of Competitors, and raising barriers to entry.
- 6.2. The harmful effects of information exchange between Competitors depends, *inter alia*, on the nature and characteristics of the information exchanged. As per the definition of Competitively Sensitive Information, the nature of the information exchanged relates to the rivalry between competing Firms. Generally, information related to prices and quantities is the most important for competitive rivalry between Firms, followed by information about costs and demand. However, if, for example, Firms compete on research and development, it is the technology information that may be the most important for competitive rivalry.

- 6.3. In addition to the above, general factors taken into account in evaluating the harm caused by the exchange of Competitively Sensitive Information are the market characteristics, the availability or accessibility of the information exchange, the indispensability of the Competitively Sensitive Information given the purpose of the exchange, and whether the Competitively Sensitive Information is Historical or relates to current or future activities.

6.3.1. Market characteristics

- 6.3.1.1. The particular features of a market wherein Competitors operate is an important consideration when evaluating information exchange between Competitors. The relevant features of a market which may be taken into consideration include but are not limited to the following: whether products are homogenous; the level of Concentration; the transparency of information in the market; the symmetry and stability of the market shares of the competing Firms; barriers to entry and the history of collusion within the market.
- 6.3.1.2. Generally, the higher the Concentration and the lesser the degree of product differentiation in a specific market, the more likely it is that Competitively Sensitive Information exchanged between Competitors may facilitate coordinated outcomes in the market and the higher the risk of an infringement of the Act. The exchange of Competitively Sensitive Information by Competitors in an oligopolistic market (a market dominated by a small number of suppliers) has a high risk of infringing the Act.
- 6.3.1.3. The assessment of the market characteristics will be done on a case-by-case basis. It is important to note that the exchange of Competitively Sensitive Information may facilitate a collusive outcome even in circumstances where one or more of the features indicated above are not present or considered to be relevant.

- 6.3.1.4. Future price intentions, communication of current prices, exchange of Disaggregated and recent past Competitively Sensitive Information will, for example, be considered by the Commission as evidence of a likely contravention of the Act independent of the market features.

6.3.2. Exchanging Competitively Sensitive Information on non-Historical current and future conduct

- 6.3.2.1. As a general rule, a Firm that provides Competitively Sensitive Information to Competitors about the future, such as its intentions regarding future conduct, or what it anticipates or expects regarding its Competitors' future conduct, is Anti-competitive, because it could constitute or facilitate a collusive understanding among Firms. Any exchange among Competitors about their future prices is likely to be regarded by the Commission as giving rise to an Anti-competitive price-fixing agreement or Concerted Practice in contravention of section 4(1)(b) of the Act.
- 6.3.2.2. Any exchange of Competitively Sensitive current or very recent Information between Competitors is likely to be regarded by the Commission as Anti-competitive because it could constitute or facilitate a collusive understanding among Firms as well as serve to monitor compliance with a collusive agreement. Any discussion among Competitors about their current prices and/or Trading Terms is likely to be regarded by the Commission as giving rise to an Anti-competitive price-fixing agreement in contravention of section 4(1)(b) of the Act.
- 6.3.2.3. The exchange of Competitively Sensitive Information which is not current between Competitors can be Anti-competitive where it allows colluding Firms to monitor for compliance and thereby sustain a collusive arrangement or where such Competitively

Sensitive Information provides a meaningful indication of future intended pricing or other competitively significant factors.

- 6.3.2.4. The level of aggregation is critical to an evaluation of the sharing of past Competitively Sensitive Information with regard to its potential for supporting Anti-competitive behaviour. The more Disaggregated the Competitively Sensitive Information is with regard to Firms, customers, geographic areas, products, and time, the more useful the information is for monitoring of a collusive arrangement, and thus the more likely it is to be Anti-competitive. Competitively Sensitive Information that allows identification of the Firm or the customer or a narrow product-geographic area will raise competition concerns.
- 6.3.2.5. The characteristics of the relevant market and in particular the frequency of price re-negotiations will determine whether Competitively Sensitive Information is Historical. If the information is several times older than the average length of contracts in the relevant market, it is more likely to be considered to be Historical.
- 6.3.2.6. It is generally accepted that the higher the frequency of information exchange, the more likely the increased market transparency will enable Firms to effectively monitor each other's behaviour, resulting in a dampening of competition in the relevant market. When long-term contracts are concluded, punishment could be possible even where exchanges are infrequent, as long as the exchanges are detailed or Disaggregated.

6.3.3. Availability and mechanism

- 6.3.3.1. Competitively Sensitive Information shared among Competitors to the exclusion of the general public may be considered by the Commission as evidence of a likely contravention of the Act, since it enables participating Firms to achieve coordinated outcomes to

the detriment of consumers in that market. This does not mean that the sharing of Competitively Sensitive Information among Competitors which is made public may not fall foul of the Act. The exclusion of the general public, however, increases the likelihood of harm to competition and consumers.

- 6.3.3.2. Aggregated Historical Competitively Sensitive Information that is to be disseminated among industry players must be reasonably accessible to all the industry players simultaneously, whether or not they form part of a particular Trade Association. Such information could for example be made available to non-members of an association upon payment of a reasonable fee.
- 6.3.3.3. Sharing of Competitively Sensitive Information that will be available exclusively to Competitors or some Competitors in a market, will raise competition concerns even though that information may be known to some customers or could be established by means of independent actions that require cost or effort, such as going to the business premises of the Competitor.
- 6.3.3.4. In assessing the exchange of Competitively Sensitive Information between Competitors, the Commission will identify and consider the mechanism used – whether the exchange of information was carried out in terms of direct exchange between the competing Firms themselves, or in terms of indirect exchange through the participation of a Trade Association or another entity acting on their behalf. The Commission is more likely to view direct communication of Competitively Sensitive Information between Competitors as evidence of a contravention of section 4, since depending on the facts, the involvement of an independent third party in the collection and dissemination of the information could act as a risk mitigating factor to prevent the disclosure of Disaggregated non-Historical information to Competitors.

6.3.4. Indispensability

- 6.3.4.1. To the extent that a real need to share Competitively Sensitive Information to achieve Pro-competitive Gains that will be beneficial to society is identified and a mechanism of exchange is created to achieve the objective, the type of information, the aggregation, age, and confidentiality thereof, as well as the frequency of the exchange must carry the lowest risks to competition and must be indispensable for creating any Pro-competitive Gains resulting from the exchange that may be claimed by Firms.
- 6.3.4.2. The exchange of Competitively Sensitive Information must be limited to the information that is relevant and necessary for the attainment of the claimed Pro-competitive Gains or objective.

7. TRADE ASSOCIATIONS AND GOVERNMENT POLICY MAKERS

- 7.1. In this section we discuss information exchanged through Trade Associations and exchanges required by government policy makers. It should, however, be noted that the forms of information exchange dealt with in these Guidelines are not exhaustive, but are the most common ways in which information can be exchanged between Competitors.

7.1.1. Trade Associations

- 7.1.1.1. Trade Associations are bodies that are created by some or all the participants in a particular industry or sector to promote the interests of that industry or sector. The decisions of associations are specifically covered in section 4(1) of the Act as decisions of associations of firms. The promotion of the interests of a particular industry or sector is not prohibited by the Act. The exchange of information that is not competitively sensitive, such as information

relating to health and safety matters could, for example, be beneficial to workers in an industry or sector.

7.1.1.2. However, decisions by Trade Associations can also constitute or facilitate Anti-competitive practices. These associations also provide platforms for information sharing among Competitors. Trade Associations must take steps to ensure that information sharing between members of the association does not prevent or lessen competition.

7.1.1.3. Most Trade Associations are not truly independent of their members since representatives of the members often form the decision-making bodies of the association. Therefore, the collection of Disaggregated Competitively Sensitive Information from members, to be collated by associations before distribution to their members, is problematic. The Commission strongly advises that Trade Associations should appoint independent third parties to collect and to collate the Competitively Sensitive Information. The independent third party should not share Disaggregated Competitively Sensitive Information collected from members with the Trade Association or its members.

7.1.1.4. Generally, if information is Historical and Aggregated nationally it will not be problematic, depending on the characteristics of the market. Disaggregation which would allow Competitors to derive information by district, by customers, by Firm or sub-product category, is usually highly problematic and will be considered by the Commission as evidence of a likely contravention of section 4 of the Act.

7.1.2. Government policymakers or regulators

7.1.2.1. Government policymakers usually require information, which may include Competitively Sensitive Information, from market

participants in order to formulate policy. Government regulators require information to allow them to regulate industries. It is perfectly legitimate from a competition perspective, for policymakers and regulators to collect and process information from market participants and for Firms to provide the relevant information.

- 7.1.2.2. However, competition concerns arise when industry participants themselves collect and process the Competitively Sensitive Information.² The Commission therefore recommends that policymakers and regulators themselves collect and process the information or appoint an independent third party to collect and process the information. In addition, once the information has been collected and processed, steps need to be taken to ensure that the Disaggregated Competitively Sensitive Information remains confidential and is not provided to competing Firms. Market participants must only be entitled to view the Aggregated information.

7.1.3. General guidance

- 7.1.3.1. The Commission provides the following general guidance to Firms who are Competitors participating in Trade Associations and engaging with policy makers or regulators who require the submission of Competitively Sensitive Information:

- 7.1.3.1.1. The purpose or object for the information exchange must be clearly identified and stated by the Trade Association or policy makers or regulators.
- 7.1.3.1.2. All information shared among Competitors must be limited to what is relevant and necessary to achieve the

² See *The UK Agricultural Tractor Registration Exchange* case.

object of the initiative or purpose for which the information is being collected and must carry the lowest risk.

7.1.3.1.3. The Commission strongly advises that Trade Associations should appoint independent third parties to collect and to collate the information.

7.1.3.1.4. Government policymakers may obtain Disaggregated Competitively Sensitive Information directly from Firms without harming competition, as long as government itself collates the information or appoints an independent third party to collate the information. In addition, once the information has been collated, adequate steps need to be taken to ensure that the Disaggregated information remains confidential and to ensure that it is not provided to competing Firms. Market participants may only view the information if it is Historical and in an Aggregated format.

7.1.3.1.5. All Competitively Sensitive Information shared among Competitors must be Aggregated at least nationally, must be Historical and it should not be possible for Competitors to identify Firm specific information. For example, if only two Firms participated in the exchange each Firm would be able to identify the other's information. This may also be possible where the exchange involves more Firms, but the market is highly concentrated.

7.1.3.1.6. Firms must not share and discuss Individualised Competitively Sensitive Information with Competitors. They can, however, discuss Aggregated market trends, e.g., the Historical Aggregated national annual

industry demand or supply information, which do not identify individual Firm information.

7.1.3.1.7. Competitors may not discuss Individualised information on capacity, production volumes and sales figures. However, Competitors can discuss Aggregated total annual national capacity, production volumes and sales figures which are Historical and that are prepared by an independent third party. The Aggregated figures should not identify individual Firm information and should be prepared in such a way that it is not possible to extrapolate individual Firm information.

7.1.3.1.8. In this context customer information, marketing strategies, budgets, as well as business and investment plans, cannot be discussed by Competitors either in an Individualised or Aggregated format.

8. CONCLUSION

8.1. These Guidelines present the general approach that the Commission will follow in assessing the exchange of Competitively Sensitive Information between Competitors. These Guidelines are not exhaustive and will not affect the discretion of the Commission and/or the Tribunal and courts to consider the exchange of information issues on a case-by-case basis, taking into account, amongst other criteria the nature of the information exchanged and the market characteristics and dynamics.

8.2. Should market participants be uncertain as to whether the exchange of information may potentially contravene the Act, such market participants should approach the Commission for further guidance.

9. EFFECTIVE DATE AND AMENDMENTS

These Guidelines become effective on the date indicated in the Government Gazette and may be amended by the Commission from time to time.

FINAL

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 3085

24 February 2023

**iXBRL: Deprecation of 2016 & 2019 Taxonomy Entry Points on 1 July 2023**

After the roll-out of iXBRL on 1 July 2018, the Commission annually updated the taxonomy entry points against which annual financial statements (AFSs) are filed. The latest taxonomy entry point was released on 1 October 2022, with minor validation changes updated thereafter. The latest taxonomy (2022) incorporates Generally Recognised Accounting Practice (GRAP) standards and changes made by the IFRS Foundation to align with the updated IFRS and IFRSs for SMEs reporting standards, as well as entry points for filing by Co-operatives.

Section 29 of the Companies Act, 71 of 2008 (as amended), requires that when companies provide financial statements to any person for any reason, those financial statements must satisfy the financial reporting standards as to form and content; if any such standards are prescribed. As such, attention is hereby brought to filers that the 2016 as well as 2019 taxonomy entry points will be deprecated on 1 July 2023 to remain aligned with the latest financial reporting standards prescribed by the IFRS Foundation.

For companies that still have to submit older outstanding AFSs (2019/20 and 2020/21), the 2020 and 2021 entry points may still be used, since the financial year in question would still require disclosures regulated by the standards which were applicable during those financial years. Companies that prepare their AFSs in GRAP are not affected by the deprecation alluded to herein.

Yours faithfully

Adv. Rory Voller
Commissioner

.... February 2023

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CIPC Companies and Intellectual
Property Commission

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 3086

24 February 2023



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THE SUGAR INDUSTRY AGREEMENT, 2000, AS AMENDED
NOTICE UNDER CLAUSE 82 OF THE SUGAR INDUSTRY AGREEMENT, 2000
AS AMENDED

The South African Sugar Association hereby publishes under clause 82 of the Sugar Industry Agreement, 2000 as amended, the varieties of sugarcane, which varieties have been duly approved by the South African Sugar Association for planting during the year commencing 1 April 2023 exclusively in the control areas or part of a control area specified.

PEST, DISEASE AND VARIETY CONTROL: 2023/2024 SUGARCANE VARIETIES

Table Key: Green bold, varieties added/approved for planting in respective control area.
Red bold strikethrough, variety de-gazetted in respective control area.

CONTROL AREAS	VARIETIES OF SUGARCANE FOR PLANTING EXCLUSIVELY WITHIN EACH CONTROL AREA
Lowveld	N14, N17, N19, N22, N23, N24, CP66/1043, N25, N26, N28, N30, N36, N40, N41, N43, N46, N49, N53, N57, N70, N71 and N73
Pongola	N14, N17, N19, N22, N23, N24, CP66/1043, N25, N26, N28, N30, N36, N40, N41, N43, N46, N49, N53, N57, N60 , N70, N71 and N73
Mkuze / Makhatini	N17, N19, N23, N25, N36, N40, N41, N43, N46, N49, N53, N57, N67, N70, N71, N72, N73, N76, N77 and N79
Umfolozi	N12, N14, N17, N19, N21, N22, N23, N24, N25, N26, N27, N28, N30, N33, N35, N36, N40, N41, N42, N43, N45, N46, N47, N49, N51, N53, N55, N57, N58, N59, N60, N64, N67, N70, N72, N76, N77 and N79
Felixton	NCo376, N12, N14, N17, N19, N21, N23, N25, N27, N35, N36, N39, N40, N41, N42, N45, N47, N49, N51, N53, N55, N57, N58, N59, N60, N63, N64, N67, N68, N70, N72, N76, N77 and N79
Entumeni	NCo376, N12, N12 ZAPYR, N16, N17, N21, N25, N27, N31, N35, N36, N37, N39, N40, N41, N42, N45, N47, N48, N50, N51, N52, N54, N55, N56, N58, N59, N61, N62, N63, N66, N68, N69, N74, N75 and N78

South African Sugarcane Research Institute is a division of the South African Sugar Association



CONTROL AREAS	VARIETIES OF SUGARCANE FOR PLANTING EXCLUSIVELY WITHIN EACH CONTROL AREA
Amatikulu	NCo376, N12, N12 ZAPYR, N17, N19, N21, N25, N27, N31, N35, N36, N39, N40, N41, N42, N45, N47, N51, N52, N53, N55, N56, N57, N58, N59, N60, N63, N64, N67, N68, N70, N72, N76, N77 and N79
North Coast	N12, N12 ZAPYR, N14, N16, N17, N19, N21, N22, N25, N26, N27, N31, N35, N36, N37, N39, N40, N41, N42, N45, N47, N48, N49, N50, N51, N52, N53, N54, N55, N56, N57, N58, N59, N60, N61, N62, N63, N64 , N66, N67, N68, N69, N70, N72, N74, N75, N76, N77, N78 and N79
Midlands North	N12, N12 ZAPYR, N16, N21, N23, N25, N26, N27, N31, N35, N36, N37, N39, N40, N41, N42, N43, N45, N47, N48, N49, N50, N51, N52, N53, N54, N55, N59, N60, N61, N62, N66, N69, N70, N74, N75 and N78
Midlands South	N12, N12 ZAPYR, N16, N21, N23, N25, N26, N27, N28, N30, N31, N35, N36, N37, N39, N40, N41, N42, N43, N45, N47, N48, N49, N50, N51, N52, N53, N54, N55, N58, N59, N60, N61, N62, N66, N69, N74, N75 and N78
Sezela	NCo376, N12, N12 ZAPYR, N16, N21, N27, N31, N36, N37, N39, N40, N41, N42, N45, N47, N48, N50, N51, N52, N53, N54, N55, N56, N58, N59, N60, N61, N62, N63, N66, N67, N68, N69, N72, N74, N75, N76, N77, N78 and N79
Umzimkulu	NCo376, N12, N12 ZAPYR, N14, N16, N17, N21, N27, N31, N36, N37, N39, N40, N41, N42, N45, N47, N48, N50, N51, N52, N54, N55, N56, N58, N59, N61, N62, N63, N66, N67, N68, N69, N72, N74, N75, N76, N77, N78 and N79
Du Roi Agritech (Pty) Ltd	N14, N19, N23, N25, N36, N40, N41, N46, N49, N50, N52, N53, N57, N60, N67 and N72

THE SUGAR INDUSTRY AGREEMENT, 2000, AS AMENDED**CONTROL AREAS****AREAS OF JURISDICTION BY LOCAL MUNICIPALITIES**

Lowveld	City of Mbombela (MP 326) Nkomazi (MP 324).
Pongola	uPhongolo (KZN 262), Umhlabuyalingana (KZN 271); Nongoma (KZN 265) and Jozini (KZN 272), north of the Mduna River.
Mkuze/Makhatini	Umhlabuyalingana (KZN 271), Jozini (KZN 272), uPhongolo (KZN 262), Nongoma (KZN 265) and the Big Five Hlabisa (KZN 276) the northern boundary being the Mozambique and Swaziland borders, the Jozini dam and south of a line along 31°28'19.8"S up to 27°28'19.8"E. The western boundary being the eastern and southern shores of Jozini dam and the western shore of Jozini dam up to Candover (at the crossing of the R69 - 31°28'19.8"S) then in line with Candover south along 27°28'19.8"E up to the Mduna River. The southern boundary being the Mduna River and along the Mzunduzi River up to 27°47'52.3"S and from there eastwards to the Indian Ocean.
Umfolozu	Big Five Hlabisa (KZN 276), Mtubatuba (KZN 275), uMfolozu (KZN 281), the northern boundary being the Mduna River and along the Mzunduzi River up to 27°47'52.3"S and from there eastwards to the Indian Ocean. The southern boundary is Teza Lake.
Felixton	uMlalazi (KZN 284) north of the Bhadi River and east of the road linking the R102 with the town of Mtunzini, uMhlathuze (KZN 282), uMfolozu (KZN 281) south of Kwambonambi, Mthonjaneni (KZN 285), uMfolozu (KZN 281) and City of uMhlathuze (KZN 282).
Amatikulu	uMlalazi (KZN 284), south of the uMlalazi river and Mandeni (KZN 291) north of the Tugela and Nyoni Rivers and west of the R102.
Entumeni	uMlalazi (KZN 284), Nkandla (KZN 286) and Mthonjaneni (KZN 285), including the Eshowe, Entumeni and Melmoth cane supply areas.
North Coast	Mandeni (KZN 291), south of the Tugela and Nyoni Rivers and east of the R102; KwaDukuza (KZN 292), Maphumulo (KZN 294), Umvoti (KZN 245), Ndwedwe (KZN 293) and eThekweni (ETH), east of the N3.
Midlands North	East of the N3 and within the boundaries of Umvoti (KZN 245), Msinga (KZN 244), uMshwathi (KZN 221), Maphumulo (KZN 294), Mkhambathini (KZN 226), the Msunduzi (KZN 225) and uMngeni (KZN 222).
Midlands South	West of the N3 and within the boundaries of Richmond (KZN 227), Mkhambathini (KZN 226), the Msunduzi (KZN 225) and eThekweni (ETH).
Sezela	Ubuhlebezwe (KZN 434), Dr Nkosazana Dlamini-Zumu (KZN 436), Umdoni (KZN 212), eThekweni (ETH) south of the R603, Umdoni (KZN 212), Umzumbe (KZN 213) and Ray Nkonyeni (KZN 216) north of the Mzumbe River.

Umzimkulu	Winnie Madikizela-Mandela (EC 443), uMuziwabantu (KZN 214), uMzimkhulu (KZN 435) Ubuhlebezwe (KZN 434) and Ray Nkonyeni (KZN 216), south of the Mzambe River.
Du Roi Agritech (Pty) Ltd	Greater Tzaneen (LIM 333). Sugarcane used for the purposes of propagating NovaCane® tissue culture plant material, single-budded transplant seedcane material or whole-stick seedcane.

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT, DEPARTMENT OF

NOTICE 1626 OF 2023

VETERINARY AND PARA-VETERINARY PROFESSIONS ACT ACT No. 19 OF 1982, AS AMENDED

RULES RELATING TO THE PRACTISING OF PARA-VETERINARY PROFESSION OF VETERINARY PHYSIOTHERAPIST

It is hereby made known for general information that:

- (a) The South African Veterinary Council has under section 30(1) of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No.19 of 1982), made rules in the Schedule relating to the practising of the para-veterinary profession of veterinary physiotherapist;
- (b) The Minister of Agriculture, Land Reform & Rural Development, has under section 30(3) of the said Act approved the said rules; and
- (c) The rules shall come into operation on the date of publication.

MR MA MENYE

Registrar: South African Veterinary Council

Schedule

1. Definitions: Veterinary physiotherapy

Any word or expression in this Schedule to which a meaning has been assigned in the Act shall have that meaning, and "the Act" means Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982), and the regulations made thereunder:

"acupressure" means the physical pressure applied to acupoints;

"animal health team" means all registered persons and persons authorised under section 23(1)(c) of the Act within the conditions and limits of their authorization involved with optimising the health of the animal;

"balance and proprioceptive training" mean exercises designed to enhance and improve the patient's ability to stand independently, and to maintain effective motor control;

"cardio-respiratory evaluation" means techniques employed by the veterinary physiotherapist to evaluate the cardio-respiratory system of patients within the prescribed scope of practice limited to auscultation of heart and lungs, calculation of heart rate and breathing rate and functional tests to evaluate the patient's cardio-respiratory ability;

“cardio-respiratory treatment” excludes medical treatments, includes but is not limited to the use of nebulisers, the therapy of percussions, vibrations, shaking and use of postural drainage positions;

“dynamic evaluation” means the assessment of an animal patient whilst in motion, which requires active input from the patient and includes the evaluation of the patients' gait on an appropriate surface;

“functional diagnosis” means a diagnosis which describes the effect of the disease or injury on the ability of the animal to carry out its normal function for example decreased extension of the coxo-femoral joint vs anatomical diagnosis such as hip dysplasia;

“functional neurological assessment” is an evaluation of a patient's current functional adaptation to a neurological deficit, including but is not limited to gait, functional movement, conscious proprioception, and reflex testing;

“goniometry” means the use of an instrument (the goniometer) to measure the joint range of movement;

“groundwork” means working with an animal on the ground using poles and cues to motivate them to perform specific exercises that will strengthen specific parts of their bodies. groundwork as opposed to ridden work is particularly used in relation to horses;

“impairment” means such a level of physical or mental impairment, which includes substance abuse or addiction, that may affect the practice of the veterinary physiotherapist to such an extent that the welfare of the patients, the interest of a client and/or the image of the profession may be compromised;

“manual evaluation” means techniques employed by the veterinary physiotherapist, using his or her hands to evaluate soft tissue function, neurological function and joint mechanics;

“motor control” is the process by which animals use their brain to activate and coordinate the muscles and limbs involved in the performance of a motor skill;

“neuromuscular electrical stimulation [NMES]” is an electrotherapy modality that is used to artificially contract the muscles of the animal using electrical impulses to elicit a muscle contraction in innervated muscle. The electrical current is applied to the skin of the animal, using a conductive material and electrodes. It is used as a tool for assessing and treating the muscles and other associated soft tissue. It can form part of a program to activate muscles and prevent atrophy during training and rehabilitation;

“palpation” means a technique using one's hands to assess the texture and tone of an animal's muscles and other soft tissue structures as well as particular anatomical landmarks.

“passive evaluation” means the assessment of the neuromuscular and musculo-skeletal state of the patient which does not require active input from the patient i.e., tests that can be applied by the practitioner without requiring the patient to actively move;

“red flags” means warning signs that suggest that referral back to veterinarian is warranted. Some of the warning signs can be, but are not limited to:

- (i) Unexplained bodyweight loss;
- (ii) Loss of appetite or inappetence;
- (iii) Lethargy;
- (iv) Signs of illness such as vomiting and increased temperature;
- (v) Previous history of tumours;
- (vi) Acute, severe pain and swelling;
- (vii) Dysfunction of bladder and bowel;
- (viii) Respiratory distress ;
- (ix) Cardiovascular distress;
- (x) Patient not responding to therapy as expected;
- (xi) Non-weight bearing lameness;
- (xii) Unexplained pain or discomfort during therapy;
- (xiii) Undiagnosed neurological signs;
- (xiv) Infected wounds;
- (xv) Suspected zoonoses;
- (xvi) Any abnormal condition or pathology presented to a vet physiotherapist and
- (xvii) Any other signs of illness

“rehabilitation exercise” means active exercises designed to optimise active pain-free range of movement, to increase muscle mass and muscle strength, improve daily function, improve balance, reduce lameness and prevent further injury;

“sport specific assessment” is the assessment of an athletic animal to optimise performance, reduce risk of injury and promote return to activity;

“static evaluation” means the visual evaluation of the stationary animal taking into account posture, conformation, body score and any other cues that draws attention to any abnormalities;

“stress point” means tender, hyper-irritable spots found in the musculo-tendinous junction;

“trans-cutaneous electrical nerve stimulation [TENS]” means the use of electric currents produced by a device to stimulate the nerves for therapeutic purposes. TENS by definition covers the complete range of transcutaneously applied currents used for nerve excitation although the term is often used with a more restrictive intent, namely, to describe the kind of pulses produced by portable stimulators used to treat pain;

“trigger points” means tender, hyper-irritable spots found in muscle bellies;

“unprofessional conduct” means unprofessional, dishonourable or unworthy conduct as set out in rule 4;

“veterinary physiotherapy facility” means a facility which is registered with council for the purpose of rendering a physiotherapy service to animals; and

“veterinary physiotherapy” means the management and/or treatment of dysfunction in the musculo-skeletal, neuromuscular and cardiorespiratory systems as well as the maintenance of optimal function and the prevention of dysfunction. The goal of veterinary physiotherapy is to maintain, restore and optimise movement and functional ability throughout the lifespan of an animal.

2. SERVICES PERTAINING SPECIALLY TO THE PARA-VETERINARY PROFESSION OF VETERINARY PHYSIOTHERAPY

- (1) For the purposes of the Act the following services shall be deemed to be services, which pertain specially to the veterinary para profession of veterinary physiotherapist:
 - (a) Application of veterinary physiotherapy modalities in order to maintain health and wellbeing, unless an animal presents with any abnormalities and/or pathologies in which case the animal must be referred to a veterinarian;
 - (b) Management and/or treatment of medical conditions and disfunctions in animals;
 - (c) Assist a veterinarian with the functional diagnosis of neuro musculo-skeletal conditions;
 - (d) Work on referral by a veterinarian who has diagnosed the animal or work in consultation with the patient's veterinarian if there is no direct referral; and
 - (e) Work on animal species for which training was obtained but may work on other species if in consultation with an attending veterinarian and with owner consent.
- (2) The scope of practice of a veterinary physiotherapist includes:
 - (a) Integration of thorough musculo-skeletal, neuromuscular anatomical, cardiovascular and respiratory system knowledge and veterinary physiology in developing a treatment, rehabilitation and preventative plan for the patient, as well as sufficient knowledge of other body systems to implement an appropriate treatment plan for other conditions which would benefit from veterinary physiotherapy modalities;
 - (b) Integration of theory and practice to conduct a full functional evaluation of mainly companion animals with musculo-skeletal, neuromuscular or cardio-respiratory dysfunction including, but not limited to-
 - (i) Subjective evaluation:
 - (aa) History; and/or
 - (bb) Habitus.
 - (ii) Health assessment;
 - (aa) TPR – Temperature, pulse, respiration.
 - (iii) Static evaluation:
 - (aa) Conformation;
 - (bb) Body score; and/or
 - (cc) Observation.
 - (iv) Dynamic evaluation:
 - (aa) Active movement assessment;
 - (bb) Gait assessment;
 - (cc) Joint range of movement assessment;
 - (dd) Flexion tests as indicated; and

- (ee) Functional tests.
- (v) Manual evaluation:
 - (aa) Palpation;
 - (bb) Manual assessment;
 - (cc) Muscle strength testing;
 - (dd) Soft tissue assessment;
 - (ee) Joint range of mechanics including goniometry and other measurements;
 - (ff) Use of hoof testers in animals with hooves for purposes of recognizing a red flag;
 - (gg) Functional neurological assessment;
 - (hh) Measurement of limb circumference; and
 - (vi) Sport specific assessment.
- (3) Using clinical reasoning skills to set up a treatment plan to enhance optimal function of the animal and defining short- and long-term goals.
- (4) Application of appropriate treatment techniques and therapeutic modalities:
 - (a) Treatment techniques shall include but are not limited to:
 - (aa) Respiratory techniques on referral of a veterinarian;
 - (bb) Hydrotherapy;
 - (cc) Soft tissue techniques;
 - (dd) Neural mobilisation;
 - (ee) Manual therapy;
 - (ff) Use of thermal treatment modalities;
 - (gg) Rehabilitation exercise;
 - (hh) Cardiac rehabilitation exercises on referral of a veterinarian; and/or
 - (ii) Electrotherapy.
 - (b) Respiratory techniques shall be on veterinary referral and will include but not limited to:
 - (aa) Postural drainage positions;
 - (bb) Percussions;
 - (cc) Vibrations;
 - (dd) Shaking; and/or
 - (ee) Nebulizing with medicines prescribed by a veterinarian.
 - (c) Hydrotherapy shall include but is not limited to:
 - (aa) Underwater treadmill;
 - (bb) Pool;
 - (cc) Spa; and/or
 - (dd) Cold water compression.
 - (d) Soft tissue techniques shall include but are not limited to:
 - (aa) Massage;
 - (bb) Trigger point therapy;
 - (cc) Stress point therapy;
 - (dd) Acupressure;
 - (ee) Myo-fascial release;
 - (ff) Cranio-sacral therapy; and/or
 - (gg) Passive stretching.

- (e) Rehabilitation exercise shall include but is not limited to:
 - (aa) Strength training;
 - (bb) Flexibility training;
 - (cc) Stability training;
 - (dd) Fitness training;
 - (ee) Balance and proprioceptive training; and/or
 - (ff) Controlled exercise.
- (f) When electrotherapy is used to address a pathology or improve physiology, it should be appropriate for the specie and condition under treatment and needs to be supported by proper training in the use of such equipment.
- (5) Treatment of cardio/respiratory impaired patients that have been diagnosed by a veterinarian; Evaluation and treatments shall include but are not limited to:
 - (a) Exercise tolerance testing;
 - (b) Non-scheduled medication nebulising (or with veterinarian prescription);
 - (c) Postural drainage;
 - (d) Assist the veterinarian when weaning a patient off a ventilator; and/or
 - (e) Chest mobilisation techniques.
- (6) Treatment of minor wounds and surgical sites with appropriate electrotherapy.
- (7) Correct application of bandages when required to be removed for treatment purposes and the re-application thereafter.
- (8) Understanding the implementation of basic orthotics and prosthetics and advising and referring appropriately.
- (9) Client education and communication.
- (10) Appropriate application of knowledge of animal behavior:
 - (a) Sufficient knowledge to be safe;
 - (b) Sufficient knowledge to recognise the relationship between pain, disease and behavior; and
 - (c) Sufficient knowledge to recognise normal and abnormal behavior.
- (11) Knowledge of sport specific training and equipment and methods used to prepare the animal athletes, excluding nutrition.
- (12) Application of first aid of animals and humans in emergency situations.
- (13) The ability to work within a multi-disciplinary animal health care team using appropriate language and means of communication for the relevant audience.
- (14) Understanding the benefit of complementary fields.
- (15) Knowledge of health and safety within the working environment. This shall include but is not limited to:
 - (a) Zoonoses;
 - (b) Veterinary physiotherapy body mechanics and ergonomics;
 - (c) Handling of the patient;
 - (d) Management of the environment, including hygiene; and/or
 - (e) Safe use and maintenance of equipment and/or facility.
- (16) Clear understanding of "red flags" as defined, being contra-indications to treatment and when to refer back to the treating veterinarian or other relevant member of the animal health care team.
- (17) Knowledge of veterinary jurisprudence and all relevant South African legislation and its relevance

3. Exception in respect of rule 2:

The provisions of rule 2 shall not be construed so as to prohibit the procedures allowed in terms of a veterinary or a para-veterinary professional's registration and scope of practice under the Act or a person who is authorised by Council to perform certain specified procedures in accordance with section 23(1)(c) of the Act.

CONDUCT OF PERSONS PRACTISING VETERINARY PHYSIOTHERAPY

4. General principles

- (1) A veterinary physiotherapist must base his/her personal and professional conduct thereon that he/she is a member of a learned and honourable profession and is required to act at all times in such a manner as will maintain and promote the prestige, honour, dignity and interests of the profession and of the persons by whom it is practised.
- (2) All persons practising the veterinary physiotherapy profession are working towards the same common good cause, whether they are in private practice or in the service of an employer, and they must co-operate with each other and with the authorities concerned to promote that cause.
- (3) As a professional a veterinary physiotherapist is required to comply with the following fundamental principles:
 - (a) **Integrity:** To be honest and ethical.
 - (b) **Professional Competence:**
 - (i) To maintain the professional knowledge and skill required to ensure that a client receives competent professional services based on current developments in physiotherapeutic techniques and act diligently and in accordance with applicable technical and professional standards benchmarked against what is expected of the reasonable veterinary physiotherapist considering the circumstances and geographic and demographic realities at hand;
 - (ii) To comply with continuing professional development (CPD), which enables a veterinary physiotherapist to develop and maintain the capabilities to perform competently within the professional environment; and/or
 - (iii) To keep record of CPD credits obtained to ensure CPD requirements are met to ensure that registration with Council is maintained.
 - (c) **Confidentiality:** To respect the confidentiality of information acquired as a result of professional services and the relationships emanating therefrom, and therefore, not disclose any such information to third parties without proper and specific authority, unless there is a legal or professional right or duty to disclose, nor use the information for the personal advantage of the veterinary physiotherapist or third parties, other than those implied by rule 3(3).
 - (d) **Professional conduct includes but is not limited to:**
 - (i) To be informed and comply with all the legal directives which are relevant to the practice of his/her profession and which include the Act, its

- regulations and Rules, the current Ethical Code as well as all other relevant legislation;
- (ii) To avoid any action that the veterinary physiotherapist knows or ought to have known that may discredit the profession;
 - (iii) To be morally obliged to serve the public to the best of his/her ability and in the light of acceptable scientific knowledge and procedures;
 - (iv) To refrain from expressing criticism through which the reputation, status or practise of a colleague in the profession is or could be undermined;
 - (v) Not to permit himself/herself to be exploited in a manner which may be detrimental to the client, the public or the profession;
 - (vi) The place at or from which a person practises the veterinary physiotherapy must be registered with Council and must comply with the applicable general minimum standards for that facility;
 - (vii) The principal of a registered facility must inform the Council within thirty (30) days of any changes to the identity or address of the principal; if the principal should pass away, Council should immediately be informed.; and/or
 - (viii) A veterinary physiotherapist must inform Council within thirty (30) days of entering into employment or partnership at another registered facility.
- (4) **“Unprofessional conduct”** means unprofessional, dishonourable or unworthy conduct on the part of a veterinary physiotherapist including, *inter alia*, the following acts and omissions:
- (i) failure to comply with the Act, the regulations and/or Rules promulgated under the said Act, and/or the Code of Conduct and/or guidelines issued by Council from time to time;
 - (ii) failure to comply with any other relevant legislation;
 - (iii) performing professional services outside the scope of his/her education, training and/or experience, regard being had to both the extent and limits of his/her professional expertise;
 - (iv) failing to adequately supervise his/her staff;
 - (v) failure to provide an itemised account when requested to, within the period set out in Rule 7(3);
 - (vi) treating a client in a disrespectful and/or discourteous manner, unless justifiable reasons exist;
 - (vii) incompetence, gross negligence or any form of negligence in the practising of the veterinary physiotherapy profession;
 - (viii) fraud or dishonesty in making any kind of application to Council or in charging for a test that was not performed or services not rendered;
 - (ix) falsifying and/or backdating any laboratory report in part or in full;
 - (x) in any way directly or indirectly assisting, allowing or enabling an unqualified person and/or unregistered person to perform professional work which by law only a (veterinarian and/or a) para-veterinary professional is allowed to perform;
 - (xi) referring work, the performance of which is reserved by law to a veterinarian, specialist veterinarian or para-veterinary professional to a person not registered with Council;

- (xii) non-payment after demand of any fee, levy or other charge payable to the Council;
- (xiii) failure to comply with an order, requirement, request, sentence or sanction of the Council and/ or the Registrar or any official appointed by the Council or the Registrar to perform any function in furtherance of the Council's objectives;
- (xiv) failure to submit to an inspection of a veterinary physiotherapy facility required by Council where the veterinary physiotherapist is the principal of said veterinary physiotherapy facility;
- (xv) Operates for gain a veterinary physiotherapy facility which is not registered or does not comply with the minimum standards set out in the Rules;
- (xvi) practising outside the scope of registration for a veterinary physiotherapist or outside the scope of authorisation to render certain services of a veterinary physiotherapist;
- (xvii) failure to act on "red flags" as defined.
- (xviii) being convicted of being involved in any criminal or illegal activity, if it relates to the practising of the veterinary physiotherapy profession or is deemed to bring the profession into disrepute;
- (xix) to permit himself/herself to be exploited in a manner which may be detrimental to the client, the public or the profession, or allow bias, conflict of interest or influence of others, to compromise professional judgment;
- (xx) failure to advise Council of any change in his/her physical residential or employment address, and other contact details, within thirty (30) days of such change being effected;
- (xxi) failing to cooperate, obstructing or delaying an investigation into unprofessional conduct by Council;
- (xxii) contempt and/or disrespect of Council; and
- (xxiii) any other conduct which in the opinion of Council constitutes unprofessional conduct.

5. Acceptance and payment of commission

- (1) Subject to Rule 4(2) a veterinary physiotherapist may not:
 - (a) Accept any commission from any person as a consideration for referrals of any clients by such veterinary physiotherapist to such person;
 - (b) Share with any person, fees charged for a service unless: -
 - (i) Such sharing is commensurate with the extent of such other person's participation in the rendering of the service concerned; or
 - (ii) He/she is a veterinary physiotherapist or veterinary professional or para-veterinary professional associated with the veterinary physiotherapist as a partner, shareholder or employee.
 - (c) Charge or accept any fee for the same procedure from both the referring veterinarian and the owner of the animal.
- (2) The provisions of Rule 4(1) shall not be so construed as to prohibit a veterinary physiotherapist: -

- (a) From introducing a loyalty scheme for a particular veterinary physiotherapy facility, provided that the loyalty scheme, including discount, does not include the payment of money;
- (b) From paying to a debt collection agency any commission in respect of debts which are collected by such agency on his/her behalf; or
- (c) From accepting any royalty or similar compensation in respect of an article or product to which he/she holds the patent rights.
- (d) From entering into a franchise, license or similar agreement where the franchisor, licensor or the like is a person not registered with Council, subject to the following:
 - (i) Income (all income generated by that veterinary physiotherapy facility) had to accrue to a person registered with Council (para-veterinary professionals);
 - (ii) Franchise fees or license fees will be deemed a legitimate business expense, even if those fees are linked to a percentage of the turnover in the veterinary physiotherapy facility, **provided that no target for turnover to be achieved is set**;
 - (iii) The agreement must provide that there will be no interference in the running of the practice and/or veterinary physiotherapy decisions and/or or equipment must be purchased, i.e., standards for practice must be maintained, decision making had to be independent and no over-servicing should occur;
 - (iv) The agreement must provide that the agreement is subject to the Act, the regulations promulgated under the Act, the rules for the para-veterinary profession of veterinary physiotherapist and that any clause in the agreement that is contrary to the Veterinary and Para-Veterinary Act, its regulations and the rules pertaining to the veterinary profession will be invalid and unenforceable;
 - (v) The agreement must be submitted to Council prior to its signature, to vet it against the Act, the regulations and the veterinary rules to ensure compliance with the Act, the regulations and the rules for the para-veterinary profession of veterinary physiotherapist (no other aspect of the agreement will be vetted, and the veterinary physiotherapist must obtain legal advice of his/her own accord regarding all other aspects of the agreement); and
 - (vi) A copy of the signed agreement/s must be submitted to Council;
 - (vii) Any amendments to the agreement/s which may impact on the sharing of fees and/or the autonomy of the veterinary physiotherapist must be submitted to Council for vetting; and
 - (viii) A copy of the signed amendment must be submitted to Council.

6. Business ownership & sharing

- (1) A veterinary physiotherapist may not enter into a partnership or allow any shareholding or interest in his/her practice with another person, unless that person is registered with Council as a veterinary professional or para-veterinary professional.
- (2) A veterinary physiotherapist may:
 - (a) Offer an appointment in his/her practice to another veterinary professional or para-veterinary professional who are registered in terms of the Act to practice the profession concerned;
 - (b) Employ another person in a professional capacity at his/her physiotherapy facility; or
 - (c) Share his/her physiotherapy facility or premises with another person involved in practising a veterinary or para-veterinary profession.
- (3) Any appointment, employment or sharing anticipated in Rule 5(2) is subject to the condition that:
 - (a) Sample integrity and confidentiality of client records are not compromised; and
 - (b) Sufficient bio-security measures, according to relevant health and safety legislation and including isolation facilities, are in place to ensure that the wellbeing of humans and animals are not at risk.

7. Fees and estimation of fees

- (1) A veterinary physiotherapist must inform the client in charge of an animal in respect of which a service is to be rendered of the approximate fee which he/she intends to charge for such service:
 - (a) As soon as practically reasonable after the patient was examined;
 - (b) In the event of an emergency as soon as the patient is stabilised; and
 - (c) When a service is required in addition to the original service anticipated.
- (2) Fees for standard procedures may be advertised in the reception area, in which event an estimate of fees need not be given to the client.
- (3) Any veterinary physiotherapist claiming payment from a person in respect of any service rendered by him/her must furnish such person with an itemised account as soon as possible but not later than 30 days after the services were rendered to such a person.

8. Intrusion

- (1) If a veterinary physiotherapist has obtained any confidential information regarding the nature and extent of the business of veterinary professional or a colleague in the profession, such veterinary physiotherapist may not use such information to promote his/her own business.
- (2) If a veterinary physiotherapist renders professional services to an employer, he/she may not use his/her association with or the intellectual property of such employer in any manner whatsoever to promote his/her own business at the expense of that employer in the profession.
- (3) Contravention of Rules 8(1) & 8(2) for own gain is a serious offence which may lead to deregistration.

9. Advertising

- (1) A veterinary physiotherapist may advertise his/her services, facilities, products and prices or permit another person to do so without limitation on the size, format, artistic or literary style: Provided that the advertisement complies with the provisions of these Rules and may in no way compromise or impair any of the following, namely: -
 - (a) The client's freedom to consult a veterinary physiotherapist of his/her choice; and
 - (b) The good reputation of the veterinary physiotherapy profession.
- (2) All advertising by a veterinary physiotherapist of his/her services must be in good taste with regard to content, prominence and medium and may not be offensive to any cultural, religious or linguistic community or be contrary to the spirit of the Code of Conduct of the Advertising Standards Authority of South Africa and the Code of Conduct of Practise issued by the Council.
- (3) Advertisements may not -
 - (a) Be misleading in any respect;
 - (b) Compare the quality of services, products, the standards of facilities and/or the knowledge or expertise of a veterinary physiotherapist with that of another veterinary physiotherapist, veterinary physiotherapy or the veterinary physiotherapy profession generally, nor may it claim to be superior in any respect; or
 - (c) Criticise the quality of services or products provided by another veterinary physiotherapist or veterinary physiotherapy facility.

10. Records at veterinary physiotherapy facilities

- (1) The attending veterinary physiotherapist shall maintain records for each animal or group of animals which are legible, accurate and permit prompt retrieval of information.
- (2) Records shall be kept for five (5) years.
- (3) Records shall, where applicable, contain the following information –
 - (a) client's identification;
 - (b) patient name, other forms of identification, as well as the specie, breed, gender, age and weight;
 - (c) Diagnosis by the attending veterinarian;
 - (d) clinical information;
 - (e) findings on evaluation;
 - (f) treatment;
 - (g) Reports/referrals from animal health team members; and
 - (h) Discharge instructions.
- (4) Proper security arrangements shall be made to protect medical records from loss, fire, alterations or unauthorised use.
- (5) A copy of any record kept by the veterinary physiotherapy facility must be submitted to Council within seventy-two (72) hours of being requested to do so by Council.

11. Identification of veterinary physiotherapy facility

- (1) A veterinary physiotherapy facility must be identified by means of an identification board,
- (2) An identification board referred to in Rule 9(1) must contain at least the following –
 - (a) Identify the facility as a veterinary physiotherapy facility;
 - (b) Hours of operation;
 - (c) A telephone number of the veterinary physiotherapy facility;
- (3) A veterinary physiotherapy facility may be identified by means of a direction board, which must comply with the provincial or municipal regulations governing direction boards.

Minimum standards for veterinary physiotherapy facilities**12. General structural requirements**

- (1) Veterinary Physiotherapy facility at or from which a person practices veterinary physiotherapy profession shall –
 - (a) Be a permanent structure. (This is not intended to exclude buildings, which are factory produced and site assembled, e.g., a prefabricated building as the word "permanent" relates to the materials used and not the building itself);
 - (b) have a source of lighting, which is adequate to ensure the completion of a procedure in progress;
 - (c) Be compliant with local regulations pertaining to health and safety, including fire protection; and
 - (d) be so constructed as to prevent the escape of an animal and to ensure the effective confinement of animals at all times.
- (2) Subject to any requirements of a local or other authority, a veterinary physiotherapy facility shall consist of –
 - (a) a reception and office area;
 - (b) a storage room;
 - (c) a waiting room for clients with access to toilet facilities;
 - (d) one or more treatment rooms;
 - (e) disposal of veterinary waste according to local government requirements;
 - (f) walls, floors, shelves, tables impervious for cleaning and disinfecting;
 - (g) drainage and washing water according to local authority requirements;
 - (h) no public entrance through another business;
 - (i) hygienic storage of therapeutic and nutritional requirements;
 - (j) adequate facilities for preparation of food and washing equipment; and
 - (k) adequate ventilation in all facilities.

13. General requirements at veterinary physiotherapy facilities

- (1) A veterinary physiotherapy facility shall have the necessary facilities in order to ensure that a full evaluation and appropriate treatment can be done.
- (2) The facility must be clean and in good repair;
- (3) The area surrounding facility must be clean and tidy;
- (4) Sufficient parking must be available for clients and staff;

- (5) The facility must be free of offensive odours;
- (6) The services must be provided in a competent and humane manner;
- (7) A professional approach towards clients should be maintained;
- (8) The staff dress code, cleanliness and appearance must be good; and
- (9) The code of conduct must be visible.

14. Minimum equipment at veterinary physiotherapy practices

- (1) Companion animal facilities must have the following equipment, as applicable to the species being treated:
 - (a) Weighing scale;
 - (b) Non-slip leads;
 - (c) Thermometer;
 - (d) Stethoscope;
 - (e) Non-slip surface/mat;
 - (f) Goniometer;
 - (g) Measuring tape;
 - (h) Reflex hammer;
 - (i) Separate cages of adequate size for each patient;
 - (j) Proper identification of each patient;
 - (k) Proper clean bedding;
 - (l) Adequate ventilation, heating and cooling;
 - (m) Isolation facilities for contagious diseased animals, if treated; and
 - (n) Exercise area:
 - (aa) Indoor or outdoor;
 - (bb) Constructed to prevent escape; and
 - (cc) Constructed that it can be kept clean/hygienic.
- (2) Equine Facilities must have:
 - (a) Hand washing facilities;
 - (b) Loading area –safe for loading and offloading of horses;
 - (c) Stables – suitable for safe keeping of horses:
 - (aa) Patients kept individually;
 - (bb) Stables adequately ventilated; and
 - (cc) Isolation facilities if animals with contagious diseases are treated.
- (3) Cold and heat therapy.
- (4) No animals may be kept overnight in a veterinary physiotherapy facility, unless the client is informed that the patient will not be monitored overnight, or will be monitored intermittently, or will be monitored intermittently by a lay person.

15. Minimum standards for mobile veterinary physiotherapy facilities

- (1) The primary purpose of mobile animal services is to deliver veterinary physiotherapy evaluation and treatment and these facilities shall –
 - (a) be operated by personnel registered with the Council;
 - (b) maintain professional standards at all times; and

- (c) be an extension to a registered physical facility
- (2) A vehicle used for mobile services shall be maintained in a clean and sanitary condition.
- (3) The vehicle shall contain those items of equipment that are necessary for the veterinary physiotherapist to perform an evaluation and appropriate treatment consistent with the standards of the profession and the type of veterinary physiotherapy services required.
- (4) When in contact with known infectious diseases, special precautions must be taken to prevent transmission of infectious agents.
- (5) If trailers are used it has to comply with transport guidelines.
- (6) Own water supply.

16. Exemption

The Council may, on written application, and at its own discretion, grant exemption from the provision of specific Rules.

17. Reporting of impairment or of unprofessional conduct

- (1) A student, a veterinarian or para-veterinary professional must:
 - a) Report impairment or suspected impairment in a student, a veterinary professional or para-veterinary professional to the Council if he/she is convinced that any student, veterinary or para-veterinary professional is impaired; and/or
 - b) Report his/her own impairment or suspected impairment to the Council if he/she is aware of his/her own impairment or has been publicly informed, or has been seriously advised by a colleague to act appropriately to obtain help in view of an alleged or established impairment;if such a level of physical or mental impairment has been identified that the welfare of the patients, the interests of the clients and/or the image of the profession will be compromised.
- (2) A student, a veterinary or para-veterinary professional is obliged to report any unprofessional, illegal or unethical conduct by another student, veterinary or para-veterinary professional, particularly where it involves the employment of unregistered professionals or where an animal's welfare may be compromised.

AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT, DEPARTMENT OF

NOTICE 1627 OF 2023



Block A | 4th Floor | Meintjiesplein Building | 536 Francis Baard Street | Arcadia | 0002
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APPLICATION FOR THE CONTINUATION OF STATUTORY MEASURES IN THE WINTER CEREAL INDUSTRY: LEVIES IN TERMS OF THE MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996, (ACT NO 47 OF 1996), (MAP ACT) AS AMENDED

••••

**INVITATION TO DIRECTLY AFFECTED GROUPS IN THE WINTER CEREAL INDUSTRY
 TO FORWARD COMMENTS REGARDING THE REQUEST FROM THE
 SA CULTIVAR AND TECHNOLOGY AGENCY (SACTA), FOR THE CONTINUATION OF LEVIES ON
 WHEAT, BARLEY AND OATS FOR BREEDING AND TECHNOLOGY PURPOSES**

The statutory levy on wheat, barley and oats of R32 per ton (VAT excluded) to fund seed breeding and technology, that is administered by the SA Cultivar and Technology Agency (SACTA), will lapse on 30 September 2023.

On 10 February 2023, the National Agricultural Marketing Council (NAMC) received a request from SACTA, on behalf of role players in the winter cereal industry, that the Minister of Agriculture, Land Reform and Rural Development, in terms of section 15 of the Marketing of Agricultural Products Act, Act No 47 of 1996 (MAP Act), establish the following statutory levies (VAT excluded) for the different winter cereal commodities, as indicated below:

Commodity	Period	Amount (VAT excluded)
Wheat	1/10/2023 to 30/9/2024	R 33,00 per metric ton
	1/10/2024 to 30/9/2025	R 34,00 per metric ton
	1/10/2025 to 30/9/2026	R 35,00 per metric ton
Barley	1/10/2023 to 30/9/2024	R 33,00 per metric ton
	1/10/2024 to 30/9/2025	R 34,00 per metric ton
	1/10/2025 to 30/9/2026	R 35,00 per metric ton
Oats	1/10/2023 to 30/9/2024	R 33,00 per metric ton
	1/10/2024 to 30/9/2025	R 34,00 per metric ton
	1/10/2025 to 30/9/2026	R 35,00 per metric ton

The levies will be payable to SACTA by buyers, processors and persons issuing a silo receipt, and be recovered from producers. Persons collecting and paying the levy may claim 2,5% commission on the amount of the levies recovered, in accordance with the conditions set by SACTA from time to time.

Seed breeding and technology levies, based on the international end point royalty system, were administered by SACTA since 1 October 2016.

PARTICULARS OF STATUTORY MEASURE REQUIRED UNDER SECTION 10 OF THE MAP ACT

The relevant particulars, as required in terms of section 10(2) of the MAP Act, to be included in a request for the establishment of a statutory measure of this nature, are as follows:

- (a) The proposed statutory levy would relate to locally produced wheat, barley and oats; and will apply to the whole of the Republic of South Africa in order to have a uniform system of levies without discrimination, which would exist if levies had to be imposed in certain areas and not in others.
- (b) The manner in which the objectives referred to in section 2(2) of the MAP Act will be advanced (namely increased market access for all market participants, promotion of the efficiency of the marketing of agricultural products, optimisation of export earnings from agricultural products and the enhancement of the viability of the agricultural sector) is summarised below.

The purpose and aim of this statutory measure are to compensate breeders of wheat, barley and oats varieties for their proportionate contribution towards obtaining and utilising improved international intellectual property to the benefit of the wheat, barley and oats industries in the Republic of South Africa. SACTA will distribute the levy income in terms of a formal agency agreement concluded with seed breeders.

Sustainable commercial farming, as well as food security, are to a large extent dependent on the cultivation of high yielding crops from seed varieties most suited to a particular region.

The development of new cultivars with improved quality and yield characteristics constitutes an important part of breeding and technology research undertaken by various organisations. The continuous development of new cultivars is indispensable to the sustained production of winter cereals in South Africa.

Worldwide the levels of Plant Variety Protection ("PVP") legislation and protection of self-pollinated crops are insufficient to guarantee a return on investment on intellectual property for the holders of such plant breeders' rights. This is due to PVP exceptions such as "Farmer's Privilege" and the fact that the offspring or grain produced from self-pollinated crops has the same genetic content as the parent. This means that seed can be harvested and replanted by farmers. This creates a situation where farmers could, for example, only purchase one season's seed, then lawfully save seed from their harvest for the next and subsequent planting seasons.

The existence of international networks is critical in seed breeding as most agriculture related intellectual property is owned by or falls under foreign control. Without an appropriate mechanism to receive adequate compensation, and to account for the risk of exploitation, South Africa remains an unattractive destination for agriculture related intellectual property associated with self-pollinated crops. This means that access to international nurseries, markers, techniques and technologies is being constrained. The result is that South African farmers do not have access to improved agriculture related intellectual property that is available worldwide.

Most industry role players have realised the need for a sustainable industry research funding strategy for self-pollinated crops. These role players have agreed to a breeding and technology levy on such crops to encourage and stimulate the breeding of self-pollinated crops for the benefit of the production, processing and other value-adding industries in the Republic of South Africa.

- (b) The Administration of SACTA will take responsibility for the collection of the levy and for the administration functions associated with the proposed levy. The Board of Directors of SACTA appointed specific persons to carry out these functions. These persons were designated and authorised as inspectors by the Minister to perform the functions referred to in Section 21 of the MAP Act.
- (c) Annual audits will be available to the Auditor-General.

BUSINESS PLAN PROPOSED

The income by means of the statutory levy is based on an estimated average crop size of the different commodities for the next three years (where available), but it is envisaged that yields may increase due to the release of new cultivars and technology.

The estimated rate of recovery is based on a reasonable average based on the actual recovery percentages during the 2022/2023 marketing season, of 90%, 92% and 60% on wheat, barley and oats respectively. It is accepted that the unique circumstances regarding oats in the current year may not continue, but the estimate is nevertheless maintained at the current rate of recovery.

The business plan envisaged for the first year is as follows:

Income		Expenditure	
	2023/24 R		2023/24 R
Wheat	61 516 800	Administration (Audit and operating costs)	2 152 896
Barley	9 862 400	Commission on levy paid by customers (2,5%)	1 794 080
Oats	384 000	Breeding & Technology payout to seed companies	53 822 400
Total	71 763 200	Transformation done by seed companies	13 993 824
		Total	71 763 200

The utilisation of statutory funds to support breeding research functions is based on the following:

- The levy funds are earmarked for commercial breeding activities of seed companies based on their performance and utilisation in the seed market;
- Funds will be distributed according to the calculated market share of each seed company;
- At least 20% of the levy income will be used for transformation and development projects within the seed companies or by selected service providers;
- The budget for administration cost, as defined by the NAMC, represents approximately 3,1% of the expected income by means of statutory levy on wheat, barley and oats during the next year; and
- The levy is applicable on local production only and not on imported commodities.

As the proposed breeding and technology levy is consistent with the objectives of the MAP Act, the NAMC is investigating the possible implementation of the relevant statutory levy.

Directly affected groups in the winter cereal industry are kindly requested to submit comments or objections regarding the proposed breeding and technology levy to the NAMC in writing (e-mail lizettem@namc.co.za) on or before 17 March 2023, to enable the Council to formulate its recommendation to the Minister in this regard.

EMPLOYMENT AND LABOUR, DEPARTMENT OF

NOTICE 1628 OF 2023

PLEASE FIND SET OUT BELOW A LIST OF BARGAINING COUNCILS THAT HAVE BEEN ACCREDITED BY THE CCMA IN TERMS OF THE PROVISIONS OF THE LABOUR RELATIONS ACT 66 OF 1995 (AS AMENDED) FOR CONCILIATION AND/ OR ARBITRATION AND/ OR INQUIRY BY ARBITRATOR, WITH THE TERMS OF ACCREDITATION ATTACHED FOR THE PERIOD 01 FEBRUARY 2023 TO 31 JANUARY 2026

**BARGAINING COUNCILS ACCREDITED TO CONDUCT CONCILIATION AND ARBITRATION,
SUBJECT TO CONDITIONS WHERE APPLICABLE
(RENEWAL OF ACCREDITATION AS WELL AS THE SUBSIDY AMOUNT PAYABLE PER CLOSED
CASE IS R736.75 AS FROM 01 APRIL 2022 till 31 MARCH 2023 (FOR 2022/2023 FINANCIAL
YEAR ONLY))**

Name of Council	Accredited Functions
<u>PRIVATE SECTOR BARGAINING COUNCILS</u>	
National Bargaining Council for the Electrical Industry of South Africa	Accredited for conciliation only from 01 February 2023 until 31 January 2026 . Subject to the terms set out in the accompanying attachment.
National Bargaining Council for the Private Security Sector	Accredited for conciliation and arbitration (which includes inquiry by arbitrator) from 01 February 2023 until 31 January 2026 , on condition that the Collective Agreement is extended to non-parties as well as full operation of the Council's dispute resolution processes. Subject to the terms set out in the accompanying attachment.
Transnet Bargaining Council	Accreditation extended until 31 April 2023 . Subject to the terms set out in the accompanying attachment.

PUBLIC SECTOR BARGAINING COUNCIL	
Education Labour Relations Council	Accredited for conciliation and arbitration (which includes inquiry by arbitrator) from 01 February 2023 until 31 January 2026 on condition that late awards are monitored. Subject to the terms set out in the accompanying attachment.

(RENEWAL OF SUBSIDY)

The Governing Body of the CCMA resolved to grant renewal of subsidy to the following Bargaining Councils:

1. National Bargaining Council for the Electrical Industry of South Africa
2. National Bargaining Council for the Private Security Sector
3. Education Labour Relations Council
4. Transnet Bargaining Council

TERMS OF ACCREDITATION FOR CONCILIATION, ARBITRATION, AND INQUIRY BY ARBITRATOR

1. SCOPE OF ACCREDITATION:

Herewith categories of disputes for which Councils are eligible to apply for accreditation.

COUNCILS ARE ACCREDITED TO PERFORM THE FOLLOWING DISPUTE RESOLUTIONS FUNCTIONS:

Unfair dismissal disputes	- Section 191
Unfair Labour practice	- Section 191
Mutual Interest disputes	- Section 64
Interpretation of Collective Agreement disputes	- Section 24 (1)
Essential Services disputes	- Section 74
Pre-dismissal arbitrations	- Section 188A
Temporary Employment Service	- Section 198, 198A, 198B, 198C and 198D
Disputes about Interpretation and Application of Chapter 2	- Section 9

COUNCILS MAY NOT SEEK ACCREDITATION FOR THE FOLLOWING DISPUTE RESOLUTION FUNCTIONS REGARDING DISPUTES OVER THE FOLLOWING (see FOOTNOTE 11 of SECTION 51):

Organisational rights (sections 16, 21 and 22);

Collective Agreements where the agreement does not provide for a dispute resolution procedure or the procedure is inoperative or any party frustrates the resolution of disputes (section 24(2) to (5));

Agency shops and closed shops (section 24(6) and (7) and section 26(11);

Determinations made by the Minister in respect of proposals made by a Statutory Council (section 45);

The interpretation and application of Collective Agreements of a Council whose registration has been cancelled (section 61(5) to (8));

Demarcation of sectors and areas of Councils (section 62);

The Interpretation or application of Part C (Bargaining Councils), Part D (Bargaining Councils in the Public Service), Part E (Statutory Councils) and Part F (General Provisions concerning Councils) (Section 63);

Picketing (section 69(8) to 10);

Proposals which are the subject of joint-decision making in a workplace forum (section 86);

Disclosure of information to workplace forums (section 89);

Interpretation or Application of the provisions of Chapter 5 of the LRA which deals with workplace forums (section 94);

Enforcement of the Collective Agreements by Bargaining Councils (section 33A) and;

Enforcement of arbitration awards in terms of section 143. Only the Director of the CCMA, unless the power has been delegated to a CCMA Senior Commissioner may certify awards as if it were an order of the Labour Court;

Facilitating mass retrenchment disputes section 189(A).

2. POWERS OF ACCREDITATION:

Only those persons who are accredited by the CCMA, or are part-time Commissioners appointed by the Governing Body of the Commission in the terms of section 117 (2) of the Labour Relations Act, may perform the accreditation functions of the council for the Council.

The following provisions of the LRA, as amended apply to Councils accredited for conciliation and arbitration:

- (a) For the purpose of this paragraph any reference in Part C of Chapter VII of the LRA to:
 - “Commission” must be read as a reference to the Council;
 - “Commissioner” must be read as a reference to a conciliator or arbitrator appointed by the Council.
 - “Director” must be read as a reference to the Secretary of the Council.
- (b) The provisions of the sections contained in Part C of Chapter VII (section 127(6)) of the LRA shall apply to the Council in the performance of its accredited functions subject to the Council's Constitution and/or Collective Agreements. For the purpose of this sub-paragraph the following applies:
 - (i) The provisions of section 133 to 136;
 - (ii) The provisions of section 138 to 142, S142A, S143, S144 and S145;
 - (iii) The provisions of section 146 unless the Collective Agreement of the Council provides that the Arbitration Act, Act 42 of 1965 applies to any arbitration conducted under its accredited function and which Collective Agreement is binding on the parties to the disputes; and
 - (iv) The provisions of section 148.

3. EXTENSION OF ACCREDITATION:

Despite the expiry of the period of accreditation as stated in the Certificate of Accreditation, the Council may continue to perform its accredited functions in respect of any dispute referred to it during the period of accreditation, but not yet resolved by the time the period expires, until the dispute is resolved either through conciliation or arbitration.

4. TRANSGRESSION OF TERMS OF ACCREDITATION:

If the accredited Council fails to comply with the terms of accreditation, the Governing Body of the CCMA may revoke accreditation. In terms of section 130 of the LRA, as amended the Governing Body of the CCMA may withdraw accreditation after having given reasonable notice of withdrawal.

5. AMENDMENT OF ACCREDITATION:

An Accredited Council may apply to the Governing Body of the CCMA in terms of section 129 of the LRA to amend its accreditation.

DEPARTMENT OF LABOUR

NOTICE 1629 OF 2023

MEDICAL SCHEMES ACT, 1998 (ACT NO 131 OF 1998)

ADJUSTMENT TO FEES PAYABLE TO BROKERS

The Minister of Health has, in terms of section 65 of the Medical Schemes Act, 1998 (Act No. 131 of 1998) ("the Act"), read with Regulation 28(2)(a) of the Regulations in terms of the Medical Schemes Act, as amended, determined R111.18 plus Value Added Tax (VAT) as an amount that is payable by medical schemes to brokers with effect from 1 January 2023.



DR MJ PHAAHLA, MP
MINISTER OF HEALTH

DATE: 23/01/2023

NATIONAL TREASURY**NOTICE 1630 OF 2023****RATE OF INTEREST ON GOVERNMENT LOANS**

It is hereby notified that the Minister of Finance has, in terms of Section 80(1)(a) and (b) of the Public Finance Management Act, 1999 (Act No. 1 of 1999), fixed the Standard Interest Rate applicable, from **1 January 2023** and until further notice, to loans granted by the State out of a Revenue Fund, and /or to all other debts which must be paid into a Revenue Fund, at Ten, five zero percent **(10,50%)** per annum.

The above-mentioned Standard Interest Rate is applicable from **1 January 2023** and until further notice, to all drawings of loans from State money, except loans in respect of which other rates of interest are specifically authorized by legislation or the Minister of Finance.

DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION**NOTICE 1631 OF 2023****DRAFT PUBLIC SERVICE REGULATION: INVITATION FOR PUBLIC COMMENT**

1. Notice is hereby given that the draft Public Service Regulations (draft Regulations) are hereby made available for public comment.
2. The draft Regulations seeks to amend the Public Service Regulations, 2016 to address challenges with interpretation and application, to regulate lifestyle audits, to clarify the processes for the abolition of government components and specialised service delivery units, to provide for the setting of higher salaries, to create limitations on overtime worked, to manage transfers of employees, to provide for reasonable accommodation for persons living with disabilities, to manage the extension of the term of a head of department, to establish the Government Information Technology Council and its Officers, to regulate the appointment of employees additional to the establishment and to provide for periods of prohibition on the re-employment of former employees dismissed for misconduct.
3. Electronic copies of the draft Regulations may be obtained from the DPSA website www.dpsa.gov.za or may be requested by/at:
Tel: 012 336 1638/1068
Email: Amukelani.baloyi@dpsa.gov.za or lentheng.phenya@dpsa.gov.za

Hard copies may be collected at:
Legal Services
Department of Public Service and Administration
546 Edmond Street
Arcadia
Pretoria

4. All interested parties and organisations are invited to submit written comments on the draft Regulations by no later than 30 days after the publication date of this notice by-
 - (a) Emailing comments to:
Amukelani.baloyi@dpsa.gov.za or lentheng.phenya@dpsa.gov.za
 - (b) Posting comments to:
Director-General
Department of Public Service and Administration
Attention: Legal Services
Private Bag X916
Pretoria
0001
5. Kindly provide the name, address, telephone and email address of the person or organisation submitting the comments.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

Definitions

1. In this Schedule "the Regulations" means the Public Service Regulations, 2016 published in Government Notice No. R. 877 of 29 July 2016, and amended in Government Notice No. R. 125 of 08 February 2019 and Government Notice No. R. 581 of 11 April 2019.

Amendment of regulation 2 of the Regulations

2. Regulation 2 of the Regulations is hereby amended by the insertion in subregulation (2) of the following definition before the definition of "**CDWP**":

"**Basic Conditions of Employment Act**" means the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);".

Amendment of regulation 13 of the Regulations

3. Regulation 13 of the Regulations is hereby amended by—

(a) the substitution for paragraph (a) of the following paragraph:

“(a) not receive, solicit or accept any gratification, as defined in section 1 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), **[from any employee or person]** in return for performing or not performing his or her official duties.”;

(b) the substitution for paragraph (b) of the following paragraph:

“(b) not engage in any **[transaction or action]** conduct that is in conflict with or infringes on the execution of his or her official duties;”;

(c) the deletion subparagraph (c);

(d) the substitution for paragraph (d) of the following paragraph:

“(d) recuse herself or himself from any official action or decision-making process which may result in improper personal gain or conflict of interest, and this shall immediately be properly declared by the employee;”;

(e) the substitution for paragraph (h) of the following paragraph:

“(h) not receive or accept any gift **[from any person]** in the course and scope of his or her employment, **[other than from a family member to the cumulative value of]** the cost of which shall not cumulatively exceed R350 per year, unless prior approval is obtained from the relevant executive authority;”.

Amendment of regulation 14 of the Regulations

4. Regulation 14 of the Regulations is hereby amended-

(a) by the substitution for subregulations (p) and (q) of the following subregulations-

“(p) not misrepresent himself or herself or use the name or position of any other employee or person to unduly or improperly influence any decision making process or obtain any undue benefit; **[and]**

(q) **[shall]** immediately report any non-compliance of the Act to the head of department[.] and in the event that the non-compliance is by the head of department, report such non-compliance to the executive authority;”.

- (b) by the addition after subregulation (q) of the following subregulations —
- “(r) not claim any intellectual property over work done in the course and scope of his or her employment; and
- (s) not act in a manner that brings his or her department or the public service into disrepute.”.

Amendment of regulation 16 of the Regulations

5. Regulation 16 of the Regulations is hereby amended by the substitution for the definition of “**form**” of the following definition:

“‘**form**’ means a [**printed or electronic**] form contemplated in regulation 18;”.

Amendment of regulation 18 of the Regulations

6. Regulation 18 of the Regulations is hereby amended by—

(a) the substitution for subregulation (1) of the following subregulation:

“(1) An SMS member, except for a head of department shall, not later than 30 April of each year, disclose to the relevant head of department, in a form [**prescribed**] directed for this purpose by the Minister, particulars of all his or her interests in respect of the [**period 1 April of the previous year to 31 March of the year in question**] previous financial year.”;

(b) the substitution for subregulation (2) of the following subregulation:

“(2) A head of department shall, not later than 30 April of each year, disclose to the relevant executive authority, in the form [**prescribed**] directed for this purpose by the Minister, particulars of all his or her interests in respect of the [**period 1 April of the previous year to 31 March of the year in question**] previous

financial year.";

(c) the substitution for subregulation (4) of the following subregulation:

"(4) Any person who assumes duty as a designated employee on or after 1 April in a year shall make such disclosure within 30 days after assumption of duty in respect of the **[period from 1 April to date of disclosure]** previous financial year.".

Amendment of regulation 19 of the Regulations

7. Regulation 19 of the Regulations is hereby amended by the addition of the following paragraph:

"(k) Financial liabilities—

(i) nature of liability;

(ii) date on which liability was incurred;

(iii) principal amount of liability;

(iv) institution or person to whom liable; and

(v) period over which liability will be paid."

Amendment of regulation 20 of the Regulations

8. Regulation 20 of the Regulations is hereby amended by-

(a) the substitution in subregulation (1) for subparagraph (g) and (h) of the following subparagraphs-

"(g) the relevant designated ethics officer as contemplated in regulation 23; **[and]**

(h) such other persons designated by the Minister, an executive authority, head of department or the chairperson of the Commission for purposes of record keeping and the effective implementation of this Part **[.]**."

(b) the addition after subparagraph (h) of the following subparagraphs —

“(i) subject to the approval of the executive authority in respect of the head of department or the head of department in respect of any other employee—

(i) persons appointed to initiate and conduct disciplinary proceedings in terms of these Regulations; and

(ii) law enforcement agencies charged with investigating or prosecuting an alleged offence; and

(j) a person authorised by statute.”.

Amendment of regulation 21 of the Regulations

9. Regulation 21 of the Regulations is hereby amended by—

(a) the deletion in subregulation (2) of paragraph (d);

(b) the addition after subregulation (2) of the following subregulation:

“(3) An executive authority, in respect of a head of department, and a head of department, in respect of other designated employees, shall—

(a) conduct a risk analysis of the information submitted through the financial disclosure system and the income of the employee;

(b) in the event that the risk analysis indicates a discrepancy between the information submitted through the financial disclosure system and the income of the employee, consult with the employee concerned to obtain an explanation for the discrepancy; and

(c) in the event that the explanation referred to in subregulation (3)(b) does not sufficiently address the discrepancy, refer the matter to the relevant law enforcement authority and investigate whether disciplinary steps must be taken and if so, institute such disciplinary action.”

Amendment of regulation 22 of the Regulations

10. Regulation 22 of the Regulations is hereby amended by—

(a) the substitution for subregulation (c) of the following subregulation:

"(c) establish a system that encourages and allows employees and citizens to report allegations of corruption and other unethical conduct, and such system shall provide for—

- (i) confidentiality of reporting; **[and]**
- (ii) the recording of all allegations of corruption and unethical conduct received through the system or systems;
and
- (iii) mechanisms to ensure that employees and citizens are made aware of such system;";

(b) the substitution for subregulation (d) of the following subregulation:

"(d) establish an information system that—

- (i) records all allegations of corruption and unethical conduct;
- (ii) monitors the management of the allegations of corruption and unethical conduct;
- (iii) identifies any systemic weaknesses and recurring risks; **[and]**
- (iv) maintains records of the outcomes of the allegations of corruption and unethical conduct **[and]; and**
- (v) records all gifts accepted by employees as contemplated in regulation 13(h);";

(c) the substitution for subregulation (e) of the following subregulation:

"(e) refer allegations of corruption to the relevant law enforcement agency and investigate whether disciplinary steps must be taken against any employee of the department and if so, institute such

disciplinary action[.]; and";

(d) the addition after (f) of the following subregulation:

"(f) ensure that the systems referred to in subregulations (c) and (d) are made publicly accessible."

Amendment of regulation 23 of the Regulations

11. Regulation 23 of the Regulations is hereby amended by the substitution in subregulation (2) for the following subregulation:

"(2) The head of department shall establish an ethics committee or designate an existing committee[, **chaired by a Deputy Director-General,**] to provide oversight on ethics management in the department."

Amendment of regulation 25 of the Regulations

12. Regulation 25 of the Regulations is hereby amended by the substitution in subregulation (2) for paragraph (a) of the following paragraph:

"(2) Based on the strategic plan of the department, an executive authority shall—

- (a) determine the department's organisational structure in terms of its core mandated and support functions—
 - (i) in the case of a national department or national government component, after consultation with the Minister and National Treasury; **[and]**
 - (ii) in the case of a provincial department or provincial government component, after consultation with the relevant Premier, the Minister and the relevant provincial treasury; and

(iii) in the event that the executive authority approves a structure which is not in accordance with the recommendations emanating from consultations contemplated in paragraphs (i) and (ii), the reasons thereof shall be recorded;".

Amendment of regulation 29 of the Regulations

13. Regulation 29 of the Regulations is hereby amended by the substitution for the following regulation:

"An executive authority must assess the efficiency and effectiveness of a department in supporting that department's service delivery objectives using the assessment tools as may be directed by the Minister **[and submit the report to the Minister on such date and format as directed by the Minister]**."

Insertion of regulation 34A in the Regulations

14. The following regulation is hereby inserted in the Regulations after regulation 34:

"Abolition of government components and specialised service delivery units

34A The abolition of a government component as contemplated in section 7(5)(c) or (d) of the Act or the abolition of a specialised service delivery unit as contemplated in section 7B of the Act shall-

- (a) ensure that any transfer of function complies with regulation 32; and
- (b) in the event that a notice as contemplated in sections 7A(5) or 7B(5) of the Act has been issued, the process to obtain Parliamentary approval in terms of section 7A(5)(i) must be

complied with.".

Amendment of regulation 35 of the Regulations

15. Regulation 35 of the Regulations is hereby amended by the substitution in regulation 35 for the following regulation:

"An executive authority shall conduct an organizational functionality assessment, as directed by the Minister, to assess the effectiveness of a department's internal systems and processes **[and submit the report to the Minister on such date and format as directed by the Minister]**".

Amendment of regulation 39 of the Regulations

16. Regulation 39 of the Regulations is hereby amended by—

(a) the substitution in subregulation (3) for paragraph (a) of the following paragraph:

"(a) a system of remuneration for an occupational category **[,for which an OSD has not been determined]**; and.";

(b) the substitution in subregulation (4) of the following subregulation:

"(4) An executive authority shall link all posts in his or her department as contained in a remuneration system as contemplated in subregulation (3)(a) to an occupation listed in the occupational classification system referred to in subregulation 3(b) **[, except in the case of posts determined in terms of an OSD, in which case the classification indicated in the OSD shall be utilized]**".

Amendment of regulation 41 of the Regulations

17. Regulation 41 of the Regulations is hereby amended by—

- (a) the substitution in subregulation (2) for paragraph (d) of the following paragraph:

"(d) issue directives that **[direct]** determine the evaluation and grading of any job or category of jobs."

Amendment of regulation 44 of the Regulations

18. Regulation 44 of the Regulations is hereby amended by—

- (a) the substitution in subregulation (2) for paragraph (c) of the following paragraph:

"(c) the counter-offer made is limited to the higher salary notch closest to the external offer; and";

- (b) the substitution in subregulation (2) for paragraph (d) of the following paragraph:

"(d) the counter-offer shall not exceed the salary level of the post occupied by the employee.";

- (c) the substitution in subsection (3) for the following subsection:

"(3) The setting of a higher salary notch, as contemplated in subregulation (1) to recruit **[an employee]** a person, shall only take place on the first day of the month following the date of approval if-

(a) the executive authority has complied with the process contemplated in regulation 64;

(b) the **[employee occupied an equally graded post]** person was earning a higher salary immediately before the date of appointment;

- (c) the higher salary **[shall]** does not exceed the closest higher salary notch than that of the **[employee]** person immediately prior to the appointment; and
- (d) the higher salary **[shall]** does not exceed the salary level of the post, unless such **[employee]** person has been awarded a higher salary attached to the grade of the post in terms of any other provision of the Act.”

Amendment of regulation 45 of the Regulations

19. Regulation 45 of the Regulations is hereby amended by the substitution in subregulation (2) for paragraph (b) of the following paragraph:

"(b) has received a **[satisfactory]** fully effective rating in his or her most recent annual moderated and approved performance assessment in the post and where the incumbent has not yet been assessed, his or her performance shall first be assessed to determine whether the performance is **[satisfactory]** fully effective;"

Amendment of regulation 49 of the Regulations

20. Regulation 49 of the Regulations is hereby amended by substitution for regulation 49 of the following regulation—

"Overtime

(1) An executive authority shall, subject to any collective agreement and the Basic Conditions of Employment Act, compensate an employee, other than a member of the SMS, for overtime work if—

- (a) the department has an approved written policy on overtime;
- (b) the executive authority has provided written

authorisation in advance for the work; and

- (c) the monthly compensation for overtime constitutes less than 30 percent of the employee's monthly basic salary or [the limitation] 30 percent of the monthly salary calculated on the minimum basic annual salary determined by the Minister, whichever is the lesser.

(2) An executive authority may, under exceptional circumstances, approve compensation for overtime in excess of the amount contemplated in regulation 49(1)(c) if—

- (a) that approval is not inconsistent with a collective agreement or the Basic Conditions of Employment Act,
- (b) the hours of overtime do not exceed the limit prescribed in the Basic Conditions of Employment Act;
- (c) such overtime is in the interest of service delivery; and
- (d) funds are available within the budget of the department.

(3) The head of department must record the—

- (a) project or circumstances in respect of each approval;
- (b) number of employees affected by each approval;
- (c) total expenditure in respect of each approval; and
- (d) impact on service delivery.

(4) An overtime policy contemplated in subregulation (1) shall be established by the executive authority in accordance with applicable collective agreements, which shall determine—

- (a) categories of employees that may not receive compensation for overtime due to the nature of their duties;
- (b) the circumstances under which overtime work for an individual employee may be authorised;
- (c) how much overtime an employee may work in a given period;

- (d) how authorisation for overtime is recorded; and
- (e) other control measures, if necessary.”

Amendment of regulation 51 of the Regulations

21. Regulation 51 of the Regulations is hereby amended by the substitution for regulation 51 of the following regulation-

“51 Working hours

Subject to any collective agreements and the Code of Good Practice on Arrangement of Working Time issued in terms of section 87 of the Basic Conditions of Employment Act, [1997 (Act 75 of 1997)] a head of department shall determine—

- (a) the work week and daily hours of work for employees; and
- (b) the opening and closing times of places of work of the department, taking into account—
 - (i) the needs of the public with due regard to the department’s service delivery improvement plan; and
 - (ii) the needs and circumstances of employees, including family obligations and transport arrangements.”

Insertion of regulation 56A in the Regulations

22. The following regulation is hereby inserted in the Regulations after regulation 56A:

“56A. Reasonable accommodation

A head of department shall develop a policy for the reasonable accommodation of employees with disabilities, which shall include measures to-

- (a) make the workplace accessible;
- (b) provide access to information and communication;
- (c) provide assistive devices and technology;

- (d) manage the safety and well-being; and
- (e) regulate the work arrangements.".

Amendment of regulation 57 of the Regulations

23. Regulation 57 of the Regulations is hereby amended by—

- (a) the substitution for subregulation (2) of the following subregulation:

"(2) An executive authority may, unless otherwise authorised by the Act, within the available budget and at a salary level linked to a grade determined through job evaluation or as determined in an OSD, employ persons additional to the establishment, where—

- (a) the incumbent of the post is expected to be absent for such a period that his or her duties cannot be performed by other employees;
- (b) a temporary increase in the volume of work occurs **[or it is necessary for any other reason to temporarily increase the staff of the department]** which shall not exceed 12 consecutive months;
- (c) an employee's post has been abolished and he or she cannot be transferred into another post; **[or]**
- (d) an employee is part of a development programme as contemplated in regulation 58[.];
- (e) the nature of the work for which the employee is employed is of limited or definite duration;
- (f) an employee is employed for the purpose of an official public works scheme or similar public job creation scheme;
or
- (g) it is necessary for any other justifiable reason to temporarily increase the staff of the department which period shall not exceed 12 consecutive calendar months."

- (b) the deletion of subregulation (4)."

Amendment of regulation 58 of the Regulations

24. Regulation 58 of the Regulations is hereby amended by the substitution of the regulation of the following Regulation-

“58 Development programmes

An executive authority may appoint persons **[who are part of a]** in a developmental programme, including but not limited to, internships, learnerships and apprenticeships, on such terms and conditions that shall be determined by the Minister.”

Amendment of regulation 60 of the Regulations

25. Regulation 60 of the Regulations is hereby amended by the substitution in subregulation (3) for paragraph (a) of the following paragraph:

“(a) the appointment is made for the period not exceeding the period contemplated in regulation 57~~[(4)]~~²; and”.

Amendment of regulation 61 of the Regulations

26. Regulation 61 of the Regulations is hereby amended by-

(a) the substitution and deletion of the table in subregulation (1) for the following:

	<u>ACT OF MISCONDUCT</u>	<u>PERIOD OF PROHIBITION</u>
1.	<u>(a) Financial misconduct as contemplated in section 81 or 82 of the Public Finance Management Act.</u>	<u>Ten (10) years</u>
2.	<u>Misconduct involving elements of dishonesty or negligence.</u>	<u>Five (5) years</u>

<u>3.</u>	<u>(a) Sexual harassment;</u> <u>(b) Unfair discrimination against others on the basis of race, gender, disability, sexuality or other grounds prohibited by section 9(3) of the Constitution; or</u> <u>(c) Assault with intent to do grievous bodily harm.</u>	<u>Five (5) years</u>
<u>4.</u>	<u>Misconduct resulting from a criminal conviction where an employee has been sentenced for less than two years imprisonment, without the option of a fine.</u>	<u>Five (5) years</u>
<u>5.</u>	<u>Misconduct resulting from a criminal conviction where an employee has been sentenced for two years or more years imprisonment, without the option of a fine.</u>	<u>Five (5) years</u>
<u>6.</u>	<u>(a) Use of position as a senior manager or confidential information for private gain or improperly benefit another person; or</u> <u>(b) Disclosure of any privileged or confidential information obtained during the course of duty to an unauthorized person or persons.</u>	<u>Five (5) years</u>
<u>7.</u>	<u>Conducting business with the State as contemplated in section 8 of the Public Administration Management Act.</u>	<u>Five (5) years</u>
<u>8.</u>	<u>Soliciting or accepting directly or indirectly any gift or favour that may influence the exercise of his or her functions, the performance of his or her duties or other grounds prohibited by the Constitution.</u>	<u>Five (5) years</u>
<u>9.</u>	<u>The offering or receipt of any undue gratification or the facilitation of such offering or receipt.</u>	<u>Five (5) years</u>
<u>10.</u>	<u>Any other act of misconduct.</u>	<u>Two (2) years</u>

(b) the substitution in subregulation (3) of the following subregulation”

“(3) Notwithstanding subregulation (1) [An] an employee who is deemed to have been dismissed in terms of section 17(3)(a) of the Act and who is not re-instated in terms of section 17(3)(b), shall not be re-appointed in the public service for a period of one year after the effective date of his or her deemed dismissal.”

Amendment of regulation 62 of the Regulations

27. Regulation 62 of the Regulations is hereby amended by the substitution in subregulation (1) for paragraph (b) of the following paragraph:

“(b) the period of secondment does not exceed 12 consecutive calendar months, unless due to operational reasons determined otherwise by the Minister; and”.

Insertion of regulation 62A in the Regulations

28. The following regulation 62A is hereby inserted in the Regulations after regulation 62:

“62A Transfers

(1) The transfer of an employee in terms of section 14 of the Act shall only take place if-

(a) the executive authorities of the two relevant departments have agreed in writing to such transfer;

(b) the employee being transferred meets the inherent requirements of the post to which he or she is being transferred; and

(c) the employee is not transferred into a post in the Office of an executive authority or Deputy Minister.”

Amendment of regulation 65 of the Regulations

29. Regulation 65 of the Regulations is hereby amended by—

(a) the substitution and deletion for subregulation (5) of the following subregulation:

“(5) For the purposes of subregulations (3) and (4) nationwide shall include advertisement in the public service vacancy circular issued by the Department of Public Service and Administration or any other media with national coverage.”;

(b) the substitution in subregulation (8) for the words preceding paragraph (a) of the following words:

“(8) An advertisement contemplated in subregulation (4) may be utilised to create a pool of potential **[employees]** candidates for a period of not more than 6 calendar months from the date of advertisement, to fill any **[other]** vacancy in the relevant department if—”.

(c) the substitution in subregulation (9) for the words preceding paragraph (a) of the following words:

“(9) With due regard to the criteria in regulation 67(5)(b) to **[(f)]** (d), an executive authority may fill a vacant post without complying with subregulations (3) and (4) if—”.

Amendment of regulation 66 of the Regulations

30. Regulation 66 of the Regulations s hereby amended by-

(a) the deletion of subparagraph (b) of subregulation (1).

(b) the substitution for subregulation (2) of the following subregulation:

“(2) Subject to the appointment criteria in regulation 67(5)(b) to (d), an executive authority may fill a post in the Office of the executive authority

or a Deputy Minister **[in that executive authority's portfolio,]** in terms of subregulation (1) without **[complying with regulation 65(1), (3) and (4).]** advertising the post or convening a selection panel as contemplated in regulations 65 and 67 respectively."

(c) the substitution for subregulation (4) of the following subregulation:

"(4) Any employee employed in terms of subregulation (1)(a) shall not be transferred within the department or to another department **[without complying with regulation 65(1), (3) and (4)].**"

Amendment of regulation 67 of the Regulations

31. Regulation 67 of the Regulations is hereby amended by the insertion in subregulation (2) of the following paragraph after paragraph (f):

"(fa) a Deputy Director-General in the Presidency, shall be chaired by a Minister in the Presidency and include at least two Deputy Ministers and a head of department."

Amendment of regulation 71 of the Regulations

32. Regulation 71 of the Regulations is hereby amended by—

(a) the substitution in subregulation (5) for paragraph (c) of the following paragraph:

"(c) monitoring the employee's performance on a continuous basis with oral feedback on his or her performance at least quarterly if the employee's performance is **[satisfactory]** fully effective and in writing if the employee's performance is not **[satisfactory]** fully effective;"

(b) the substitution in subparagraph (5) for paragraph (f) of the following paragraph:

“(f) approval of the annual moderated performance assessments referred to in paragraph (e) by 30 November of the financial year following the year of the assessments.”.

Amendment of regulation 72 of the Regulations

33. Regulation 72 of the Regulations is hereby amended by—

(a) the substitution for subregulation (1) of the following subregulation:

“(1) An employee shall enter into a performance agreement or an agreement of similar nature within three calendar months of his or her date of appointment and thereafter within two calendar months of the beginning of each financial year. This agreement may be reviewed from time to time.”;

(b) the substitution for subregulation (12) of the following subregulation:

“(12) If an employee is absent with permission for a continuous period of three months or longer, the affected employee’s performance shall be regarded as having performed **[satisfactory]** fully effective as contemplated in regulation 71(5)(c) for that period of absence within the performance cycle.”.

Insertion of regulation 87A in the Regulations

34. The following regulation 87A is hereby inserted in the Regulations after regulation 87:

“ 87A Extension of term of head of department

(1) The relevant executive authority may at the expiry of the term of office of a head of department extended such term of a head of department for a period of not more than five years at a time if the head of department-

(a) achieved a fully effective level of performance in relation to his or her duties in the previous three years;

(b) obtained satisfactory audit outcomes and performance for the previous three years;

(c) continues to meet the inherent requirements of the post; and

(d) remains a fit and proper person.

(2) The relevant executive authority and head of department may agree on an extension not more than four calendar months before the expiry of the term of the contract.”.

Amendment of regulation 93 of the Regulations

35. Regulation 93 of the Regulations is hereby amended by—

(a) the substitution for regulation 93 of the following regulation:

“93 [Acquisition,] Information management and use of information and communication technology [resources]

(1) The head of department shall ensure-

(a) that information of the department is collected, processed, stored and disseminated appropriately; and

(b) improved knowledge management practices.

(2) The head of department shall ensure that the acquisition, management and use of information and communication technologies by the department—

(a) enhances direct or indirect service delivery to the public, including, but not limited to, equal access by the public to services delivered by the department;

(b) improves the productivity of the department;

(c) promotes an environmentally friendly public service; and

(d) ensures cost-efficiency for the department.”

Insertion of regulation 97A in the Regulations

36. The following regulation 97A is hereby inserted in the Regulations after regulation 97:

“ 97A Government Information Technology Council and Officers

(1) The Minister may establish a Government Information Technology Officers Council (herein after referred to as the GITOC) as an inter-departmental forum to improve electronic government and information management in the public service.

(2) The GITOC shall, amongst others, -

(a) advise on measures to improve integrated information and communication technology systems across the public service;

(b) propose and advise on appropriate information and communication technology solutions and practices;

(c) support information and communication technology monitoring and planning in the public service; and

(d) collaborate to improve the use of information and communication technology in the public service.

(3) A head of department shall nominate an employee of the relevant department as a Government Information Technology Officer who shall be a member of the GITOC, which shall be chaired by an employee of the Department of Public Service and Administration designated by the Minister.

(4) The Government Information Technology Officer shall advise and support the head of department on-

(a) Information and Communication Technology strategies;

(b) innovative methods to digitalise Information and Communication Technology within the department;

(c) establishing reliable and secure Information and Communication Technology systems, services and infrastructure;

(d) optimising expenditure, reducing duplication and increasing interoperability of Information and Communication Technology systems; and

(e) the management of Information and Communication Technology assets.

Short title and commencement

37. These Regulations shall be called the Public Service Amendment Regulations, 2023, and shall come into operation on the publication thereof in the *Gazette*.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 1632 OF 2023

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

CUSTOMS TARIFF APPLICATIONSLIST 01/2023

The International Trade Administration Commission (herein after referred to as ITAC or the Commission) has received the following application concerning the Customs Tariff. Any objection to or comment on this representation should be submitted to the Chief Commissioner, ITAC, Private Bag X753, Pretoria, 0001. Attention is drawn to the fact that the rate of duty mentioned in this application is that requested by the applicant and that the Commission may, depending on its findings, recommend a lower or higher rate of duty.

CONFIDENTIAL INFORMATION

The submission of confidential information to the Commission in connection with customs tariff applications is governed by section 3 of the Tariff Investigations Regulations, which regulations can be found on ITAC's website at <http://www.itac.org.za/documents/R.397.pdf>.

These regulations require that if any information is considered to be confidential, then a non-confidential version of the information must be submitted, simultaneously with the confidential version. In submitting a non-confidential version the regulations are strictly applicable and require parties to indicate:

- ❑ Each instance where confidential information has been omitted and the reasons for confidentiality;*
- ❑ A summary of the confidential information which permits other interested parties a reasonable understanding of the substance of the confidential information; and*
- ❑ In exceptional cases, where information is not susceptible to summary, reasons must be submitted to this effect.*

This rule applies to all parties and to all correspondence with and submissions to the Commission, which unless clearly indicated to be confidential, will be made available to other interested parties.

The Commission will disregard any information indicated to be confidential that is not accompanied by a proper non-confidential summary or the aforementioned reasons.

If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the commission in writing forthwith (and at the latest 14 days prior to the date on which that party's submission is due).

Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.

CONTINUES ON PAGE 130 OF BOOK 2

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REVIEW OF THE GENERAL RATE OF CUSTOMS DUTY APPLICABLE TO CERTAIN ALUMINIUM PLATES, COILS, SHEETS, CAN STOCK, STRIPS AND FOIL CLASSIFIABLE UNDER TARIFF HEADINGS 76.06 AND 76.07

APPLICANT:

International Trade Administration Commission of South Africa
Private Bag X753
Pretoria
0001

ITAC Ref: **11/2022**, enquires: Mr. Njabulo Mahlalela, Ms. Mpho Mafole and Mr. Tshepiso Sejamoholo
Tel: 012 394 3684/3697/1605 and/or alternatively email: nmahlalela@itac.org.za/mmafole@itac.org.za/tsejamoholo@itac.org.za

THE REASONS FOR THE REVIEW OF CUSTOMS DUTY

In its ITAC Report No 622, the Commission recommended that the duty applicable to certain aluminium plates, coils, sheets, can stock, strips and foil classifiable under tariff heading 76.06 and 76.07 be increased from free of duty to 15% *ad valorem*. The Commission further recommended that the customs duty be reviewed after at least one (1) year (unless otherwise determined by the Commission) following its implementation to monitor the performance of the aluminium value chain.

PUBLICATION PERIOD:

Written representations must be submitted within **four (4) weeks** of the date of this Notice.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 1633 OF 2023

STANDARDS ACT, 2008
STANDARDS MATTERS

In terms of the Standards Act, 2008 (Act No. 8 of 2008), the Board of the South African Bureau of Standards has acted in regard to standards in the manner set out in the Schedules to this notice.

SECTION A: DRAFTS FOR COMMENTS

The following draft standards are hereby issued for public comments in compliance with the norm for the development of the South Africa National standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title, scope and purport	Closing Date
SANS 12402-5 Ed 2	<i>Personal flotation devices – Part 5: Buoyancy aids (level 50) – Safety requirements.</i> Specifies the safety requirements for buoyancy aids, performance level 50.	2023-03-07
SANS 12402-2 Ed 2	<i>Personal flotation devices – Part 2: Lifejackets, performance level 275 – Safety requirements.</i> Specifies the safety requirements for lifejackets, performance level 275.	2023-03-07
SANS 3092 Ed 1	<i>Laundry alkali.</i> Covers two types of alkali for use in laundries intended for use in the heavy-duty laundering of white and coloured cotton fabrics, but are not suitable for use in the laundering of woollen, silk or synthetic fabrics.	2023-04-06
SANS 651-1 Ed 1.1	<i>Laundry detergents – Part 1: Low-foam laundry detergents (for use in automatic and non-automatic domestic washing machines).</i> Specifies the characteristics of two types (powder and liquid) of low-foam laundry detergent intended for washing (in automatic and non-automatic domestic washing machines) in either soft or hard water, of textiles made of cotton, or of cotton-and-synthetic fibre yarns, or of synthetic fibre yarns.	2023-04-03
SANS 1524-1 Ed 6	<i>Electricity payment systems – Part 1: Payment meters for active energy (classes 0,5, 1 and 2).</i> Specifies characteristics of single and polyphase payment meters for indoor use, and requirements for meters used in reticulation subsystems which require meters to have integrated additional protection, safety and control functionality.	2023-04-11
SANS 490 Ed 2	<i>Alcohol-based hand sanitizer and handrub.</i> Specifies requirements of alcohol-based hand sanitiser and handrub in the form of liquid, gel, foam or aerosol.	2023-04-12

SCHEDULE A.1: AMENDMENT OF EXISTING STANDARDS

The following draft amendments are hereby issued for public comments in compliance with the norm for the development of the South African National Standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title	Scope of amendment	Closing Date
SANS 62271-1 Ed 2.1	<i>High-voltage switchgear and controlgear – Part 1: Common specifications for alternating current switchgear and controlgear.</i>	Amended to modify the requirements for auxiliary and control equipment circuits.	2023-04-03

SCHEDULE A.2: WITHDRAWAL OF THE SOUTH AFRICAN NATIONAL STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following published standards are issued for comments with regard to the intention by the South African Bureau of Standards to withdraw them.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

SCHEDULE A.3: WITHDRAWAL OF INFORMATIVE AND NORMATIVE DOCUMENTS

In terms of section 24(5) of the Standards Act, the following documents are being considered for withdrawal.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

SECTION B: ISSUING OF THE SOUTH AFRICAN NATIONAL STANDARDS**SCHEDULE B.1: NEW STANDARDS**

Standard No. and year	Title, scope and purport
SANS 3001-C03-5:2023 Ed 1	<i>Civil engineering test methods – Part CO3-5: The drilling, preparation, and testing for compressive strength of cores taken from hardened concrete.</i> Describes a method of taking cores from hardened concrete, preparing them for testing and determining their compressive strengths.
SATS 33061:2023 Ed 1	<i>Information technology – Process assessment – Process assessment model for software life cycle processes.</i> Defines a process assessment model for software life cycle processes, conformant with the requirements of ISO/IEC 33004 (published in South Africa as an identical adoption under the designation SANS 33004), for use in performing a conformant assessment in accordance with the requirements of ISO/IEC 33002 (published in South Africa as an identical adoption under the designation SANS 33002).
SANS 60050-485:2023 Ed 1	<i>International Electrotechnical Vocabulary (IEV) – Part 485: Fuel cell technologies.</i> Gives the general terminology used in fuel cell technologies, as well as general terms pertaining to specific applications and associated technologies.
SANS 60269-7:2023 Ed 1	<i>Low voltage fuses – Part 7: Supplementary Requirements for fuse-links for the protection of batteries and battery systems.</i> Applies to fuse-links for the protection of batteries and battery systems, including, but not limited to terminology, for electricity storage in equipment for circuits of nominal voltages up to 1 500 V DC.
SANS 61557-13:2023 Ed 1	<i>Electrical safety in low voltage distribution systems up to 1 000 V a.c. and 1 500 V d.c. – Equipment for testing, measuring or monitoring of protective measures – Part 13: Hand-held and hand-manipulated current clamps and sensors for measurement of leakage currents in electrical distribution systems.</i> Defines special performance requirements for hand-held and hand-manipulated current clamps and sensors for measurement of leakage currents in electrical distribution systems up to 1 000 V a.c. and 1 500 V d.c., taking into account the influence of high external low-frequency magnetic fields and other influencing quantities.
SANS 61557-17:2023 Ed 1	<i>Electrical safety in low voltage distribution systems up to 1 000 V AC and 1 500 V DC – Equipment for testing, measuring or monitoring of protective measures – Part 17: Non-contact AC voltage indicators.</i> Defines minimum performance requirements for non-contact AC voltage indicators to reduce the risk of electric shock for the testing person and bystanders caused by the wrong interpretation of the indication.

Standard No. and year	Title, scope and purport
SANS 62282-5-100:2023 Ed 1	<i>Fuel cell technologies – Part 5-100: Portable fuel cell power systems – Safety.</i> Covers construction, marking and test requirements for portable fuel cell power systems.
SANS 62559-3:2023 Ed 1	<i>Use case methodology – Part 3: Definition of use case template artefacts into an XML serialized format.</i> Defines the required core concepts and their serialization into XML syntactic format of a use case template, an Actor list and list for detailed requirements.
SANS 7816-8:2023 Ed 3	<i>Identification cards – Integrated circuit cards – Part 8: Commands and mechanisms for security operations.</i> Specifies interindustry commands which can be used for security operations and provides informative directives on how to construct security mechanisms with commands defined in ISO/IEC 7816-4 (published in South Africa as an identical adoption under the designation SANS 7816-4).
SANS 7816-11:2023 Ed 2	<i>Identification cards – Integrated circuit cards – Part 11: Personal verification through biometric methods.</i> Specifies security-related interindustry commands that are intended to be used for personal verification through biometric methods in integrated circuit cards.
SANS 7816-15:2023 Ed 2	<i>Identification cards – Integrated circuit cards – Part 15: Cryptographic information application.</i> Specifies an application in a card and this application contains information on cryptographic functionality and defines a common syntax for the cryptographic information and mechanisms to share this information whenever appropriate.
SANS 10108:2023 Ed 7	<i>The classification of hazardous locations and the selection of equipment for use in such locations.</i> Covers the classification of surface and underground locations in which fires or explosions can occur owing to the presence of flammable gases, vapours or mists, dusts, fibres or flyings in the air, in order to permit the proper selection of electrical equipment and mechanical equipment, such as compression ignition engines (diesel engines), to be used in such locations.
SANS 14063:2023 Ed 2	<i>Environmental management – Environmental communication – Guidelines and examples.</i> Gives guidelines to organizations for general principles, policy, strategy and activities relating to both internal and external environmental communication.

SCHEDULE B.2: AMENDED STANDARDS

The following standards have been amended in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 493:2023 Ed 2.2	<i>Steel refuse bins. Consolidated edition incorporating amendment No. 2.</i> Amended to delete the appendix on notes to purchasers.
SANS 733:2023 Ed 2.2	<i>Boxboard (Metric units). Consolidated edition incorporating amendment No. 2.</i> Amended to update the requirements for marking, to delete the footnotes on marking, sampling and compliance with the specification, conditioning of test specimens, and on apparatus, and to delete the appendix on notes to purchasers.
SANS 1485:2023 Ed 1.2	<i>Flexible intermediate bulk containers. Consolidated edition incorporating amendment No. 2.</i> Amended to delete the appendix on notes to purchasers.
SANS 1489-2:2023 Ed 1.1	<i>Electrical connectors in group I and group II hazardous areas – Part 2: Restrained type plugs and sockets for group I hazardous areas. Consolidated edition incorporating amendment No. 1.</i> Amended to update the foreword, definitions, and abbreviations, and referenced standards.
SANS 1489-3:2023 Ed 1.2	<i>Electrical connectors in group I and group II hazardous areas – Part 3: Bolted type plugs and sockets for group I hazardous areas. Consolidated edition incorporating amendment No. 2.</i> Amended to update referenced standards.
SANS 3001-AG4:2023 Ed 1.3	<i>Civil engineering test methods Part – AG4: Determination of the flakiness index of coarse aggregate. Consolidated edition incorporating amendment No. 3.</i> Amended to update introduction, the clause on apparatus, the tables, the clause on preparation of samples, and the clauses on procedure and on calculations.

SCHEDULE B.3: WITHDRAWN STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following standards have been withdrawn.

Standard No. and year	Title

SCHEDULE B4: ESTABLISHMENT OF TECHNICAL COMMITTEES

Committee No.	Title	Scope

SCHEDULE B5: RETRACTION OF PREVIOUSLY GAZETTED ITEMS

If your organization is interested in participating in these committees, please send an e-mail to Dsscomments@sabs.co.za for more information.

SCHEDULE B6: ADDRESS OF THE SOUTH AFRICAN BUREAU OF STANDARDS HEAD OFFICE

Copies of the standards mentioned in this notice can be obtained from the Head Office of the South African Bureau of Standards at 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.

BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 400 OF 2023**NOTICE IN TERMS OF SECTION 36 (2)****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION****Accreditation Policy**

In terms of section 36 (1) of the Architectural Profession Act 44 of 2000 (“the Act”), the Council is empowered to make rules with regard to any matter that is required or permitted to be prescribed in terms of the Act and any other matter for the better execution of the Act.

Section 36 (2) (a) of the Act provides that before the Council makes any rule under this section, it must publish a draft of the proposed rule in the *Gazette* together with a notice calling on interested persons to comment in writing within a period stated in the notice, but the period may not be less than 30 days from the date of publication of the notice.

Notice for an invitation to make comments in writing

Notice is hereby given in terms of Section 36 (2) (a) of the Act that Council has prepared a draft Accreditation Policy and interested persons are requested within 30 business days from the date of the publication of this notice to make written representations on the proposed Accreditation Policy.

Written comments must be submitted to the details below on or before 24 MARCH 2023:

Submission should be addressed to the Manager: Education & Accreditation

By Email: Mzwakhe.Hlatshwayo@sacapsa.com

Tel: 011 479 5000

By Postal address: P O Box 1500, Rivonia, 2128

By Physical address: 51 Wessels Road, Right Wing, Rivonia, Sandton, 2128

**BOARD NOTICE XXX OF 2023****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

In terms of section 36. (1) of the Architectural Profession Act 44 of 2000 ("the Act"), *"the Council may, by notice in the Gazette, make rules with regard to any matter that is required or permitted to be prescribed in terms of this Act and any other matter for the better execution of this Act or in relation to any power granted or duty imposed by this Act"*.

Accordingly, the Council hereby makes known that in line with section 36 of the Act, the Council has made Rules for Accreditation of architectural programmes at educational institutions which have a department, school or faculty of architecture, and for the registration of students as set out hereunder.

Preamble

The Council is mandated by section 13 (a) and (b) of the Act to conduct accreditation visits to any educational institution which has a department, school or faculty of architecture. The Council is empowered to either conditionally or unconditionally grant, refuse or withdraw accreditation. The Council conducts accreditation visit once during its term of office.

Wherefore, the Accreditation Rules reaffirm the commitment of the SACAP to quality architectural education in South Africa. The Accreditation Rules supports the SACAP's overarching objective of transformation as well as the SACAP's vision for excellence in architectural education. The accreditation rules set the standard of achievement to be attained and the method of assessment to be undertaken.

The overriding objectives for the accreditation rules are to strive for quality architectural programs in South Africa. The Rules lay down quality standards of architectural programs which must be complied with. Failure to do so could lead to refusal or withdrawal of accreditation.

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1. Glossary

Accredit: means the process of evaluation and recognition by the council of educational programmes offered by educational institutions relating to the architectural profession, and “accreditation” has a corresponding meaning.

Accreditation Board: The Accreditation Board is a team of representatives drawn from the SACAP’s Accreditation Panel.

Accreditation criteria: means statements of requirements that must be satisfied by a programme to receive formal recognition.

Accreditation Panel: The Accreditation Panel is a pool of suitably qualified and approved professionals from which members of an Accreditation Board are drawn for each accreditation visit.

Accredited programme: means a programme that has been evaluated and formally recognised by SACAP as meeting stated criteria.

Accredited qualification: means a qualification awarded on successful completion of a formally recognised programme.

Accreditation Recommendation: means the recommendation made by the Accreditation Board after the evaluation of an Architectural Learning Site.

Accreditation Report: means a report with recommendation(s) of the Accreditation Board issued to the SACAP Council after the accreditation visit.



Assessment: means a process of determining the capability or competence of an individual by evaluating performances against standards.

Assessment criteria: means a set of measurable performance requirements which indicates that a person meets a specified outcome at the required level.

Continuous quality improvement: means a process based on the concept that improvement of a process is always possible subject to on-going assessment of the process and measures to maintain and improve quality.

Education Committee: means the High Impact Committee established by Council to address all education matters.

Exit statement: means a context in which assessment takes place against an outcome and is expressed in terms of situations, activities, tasks, methods and forms of evidence.

Hybrid: means a combination of modes of on-line accreditation assessment with traditional face-to-face assessment.

Programme: means a structured, integrated teaching and learning arrangement with a defined purpose and pathway that leads to a qualification.

Qualification: means the formal recognition of a specified learning achievement that is usually awarded upon successful completion of a programme.

Recognition of Prior Learning (RPL) is a process through which non-formal learning and informal learning are measured, mediated for recognition across different contexts, and certified against the requirements for credit, access, inclusion or advancement in the formal education and training system, or workplace. The Architectural Profession Act defines RPL as previous learning and experience of a learner, howsoever obtained, against the learning outcomes required for a specified qualification and the acceptance for the purposes of qualification of that which meets those requirements.

Registration category: means a distinctive characteristic, competencies, educational requirements and defined principal routes to registration.

SACAP Accreditation rules: means a set of formal documents that outlines the official guidelines, processes and procedures for the formal recognition of architectural qualifications.

SACAP Competencies: means a matrix of competencies for architectural professionals compiled by the SACAP (attached hereto as Appendix A) that outlines the required awareness, knowledge, skills and the ability to apply these.

Self-Evaluation Report: means an ALSs' reflective report of how a programme meets each accreditation criterion while covering all methods of programme delivery and all possible pathways for completion of the degree.

Student Registration: It is **compulsory** for every student at each of the ALSs to register with SACAP each year of their studies to ensure that SACAP can track the number of students in the architectural field.



2. Acronyms

ALS: Architectural Learning Site: A faculty, department or school of architecture at a higher education institution.

CA: Canberra Accord

CHE: Council on Higher Education (South Africa)

DHET: Department of Higher Education and Training (South Africa)

HEQC: Higher Education Quality Committee (South Africa)

HEQSF: Higher Education Qualification Sub Framework (South Africa)

HoS: Head of School

IDoW: Identification of Work

NQF: National Qualifications Framework (South Africa)

RPL: Recognition of Prior Learning

SACAP: The South African Council for the Architectural Profession

SAQA: The South African Qualifications Authority

VA: Voluntary Association

AB: Accreditation Board

AP: Accreditation Panel

3. Background

3.1 SACAP recognises that architectural professionals practise architecture in a global environment. As such, architectural educational national standards and practices must align to international standards and best practice. The SACAP accreditation system is internationally recognised as SACAP is a full signatory of the Canberra Accord. Therefore, the accreditation process is aligned to the Canberra Accord on Architectural Education (Canberra Accord, n.d.). This is to ensure that the accreditation of ALSs delivers graduates who are recognised internationally. South African graduates are recognised by those countries that are signatories of the Canberra Accord.

3.2 While Accreditation of the ALSs must ensure quality of architectural programs, the SACAP does not expect a homogenous educational environment but, rather, encourages innovation and a diversity of pedagogic philosophy, focus and content. SACAP endorses architectural education that develops students who are design oriented, technically competent, people-centred and enables the spatial transformation of South Africa's historically segregated built environment.

4. Application

4.1 Accreditation rules shall apply to any educational institution which has a department, school or faculty of architecture in South Africa. Therefore, no person or educational institution shall offer or provide any architectural education or training, unless such education or training has been accredited by SACAP.



4.2 The Accreditation Rules apply to all ALSs that require new or continued accreditation for architectural qualifications.

5. Role and Responsibilities

5.1 The SACAP steers and administers the accreditation system and processes as stipulated in section 13 of the Act.

5.2 The ALSs are responsible for preparing documentation and evidence for accreditation visits and for submitting proposals for new qualifications to the SACAP.

5.3 The Accreditation Board is responsible conducting accreditation visits to new or existing ALSs. The accreditation visit can either be undertaken by face-to-face, virtual or hybrid methods.

5.4 The ALS decides whether the accreditation will be conducted physically or virtually, taking into account the travel cost, accommodation, availability of documentation, and the type of accreditation and programme.

6. How to read the Accreditation Rules

The accreditation protocol consists of the main document and appendices. The main document provides an overview of the accreditation process and the role and responsibilities of the SACAP and the Accreditation Board. The appendices provide explanatory details.

6.1 Appendix A: SACAP Competencies

The accreditation criteria are standards that assist ALSs in the design of new qualifications, the evaluation of existing qualifications and preparation for accreditation visit. These standards also guide the SACAP and Accreditation Board in evaluating new and existing architectural qualifications.

6.2 Appendix B: Accreditation Board

The appendix provides detailed information about the roles, duties and responsibilities of a AB. Outlines to the AB the approach to evaluation, provides an evaluation matrix, presents a pre-meeting agenda and provides detail for communicating the accreditation visit findings.

6.3 Appendix B.1: Evaluation Matrix

The evaluation matrix corresponds with the ALS report (Appendix C) and provides criteria to a AB for the evaluation of the ALS.



6.4 Appendix B.2: Subject/Module/Unit review template

The subject review template is used together with the evaluation matrix (Appendix B.1) as guidance to a AB for the evaluation of the ALS.

6.5 Appendix B.3: Accreditation report template

The Final Accreditation Report (FAR) is the culmination of the accreditation visit. 8 weeks after the accreditation visit, a draft report shall be submitted to the ALS for comments. Once comments are received, the Draft Accreditation Report (DAR) shall be submitted to the Registrar. Once the Registrar endorses the report it shall be presented at the next Education Committee meeting for recommendation. The report shall be submitted to the next Council meeting for approval. A copy of the FAR is then sent to the ALS. The entire process should not exceed 6 months after the completion of the accreditation visit.

6.6 Appendix C: ALS Report

The appendix contains the information required for the ALS Report, which is prepared by the ALS for submission to the SACAP prior to the accreditation visit. All parts of the ALS Report are related to the period since the previous accreditation visit.

6.7 Appendix D: ALS Evidence Preparation

The appendix outlines the extent, preparation and exhibition of evidence that needs to be accessible for evaluation by a AB during the accreditation visit. The ALS presents evidence of teaching and learning materials, student work and assessments of the year preceding the accreditation visit.

6.8 Appendix E : ALS New qualifications

The appendix stipulates the information and documentation required for submission of new architectural qualifications to the SACAP for support and recommendation.

6.9 Appendix F: Accreditation logistics

The head and staff of an ALS as well as a AB must review **Appendix F** well in advance of the accreditation visit, so that the procedure for the accreditation visit is understood. This document sets out general procedures, the suggested timetable and information for preparing for the accommodation of a AB.

6.10 Appendix G: Appeals

Appendix G outlines appeal process available for the ALS, should the ALS wish to contest accreditation decision.



7. Transformation of the Architectural Profession

7.1 Transformation is a Constitutional imperative in South Africa; therefore, transformation of the architectural profession is a key objective of the SACAP. Transformation of education speaks to the ALS's ethos, structure, curriculum, demographic of students and staff and throughput of students. Although some progress has been made over the past two decades, more work needs to be done to progressively realise transformation.

7.2 Transformation necessitates diversity and inclusivity. These concepts are defined below and serve as a starting point for achieving a common understanding of the transformation in architectural education.

7.3 The transformation of an ALS is part of the criteria considered when a AB makes a recommendation after an accreditation visit. The ALS must report on the annual intake of students from previously disadvantaged background, dropouts and challenges faced by students from previously disadvantaged background, mechanism put in place by the educational institution to manage dropouts and improve throughput.

Inclusivity (UNESCO, 2017)

7.4 Inclusive education removes barriers limiting the participation and achievement of learners or students, respective of diverse needs, abilities, and characteristics and that eliminate all forms of discrimination in the learning environment. This approach prioritises the identification of and response to barriers and practices of discrimination within education which limit both participation and achievement. The goal is an education system which facilitates an environment where educators and students embrace and welcome the challenge and benefits of diversity.

Diversity (Ahmed, 2004)

7.5 Diversity refers to patterns of difference in terms of certain social categories. The foremost terms shaping discourses and policies related to diversity include race, ethnicity, religion, gender, disability, sexuality and age. The critical diversity approach acknowledges the role of power in constructing difference, and the unequal symbolic and material value of different locations. This approach locates difference within a historical legacy as an outcome of social practice and an engagement with the transformation of these oppressive systems.

Transformation (UCT, 2015, 2018; Soudien, 2010)

7.6 Transformation is viewed, on one hand, as seeking to remedy imbalances related to the representation of different race, class, gender, language groups. This approach to



transformation prioritises numbers and representation. On the other hand, transformation is viewed as an issue related to historic privilege, power and marginalisation. Transformation then is an ideological process which engages and redresses histories of colonialism and apartheid. The emphasis here is on redress in relation to disparities related to political and economic power in society. These two elements are related, and often occur simultaneously.

7.7 An ALS under review will need to explain quantitative and qualitative indicators towards transformation. Guidelines for these are available in Appendix B. The SACAP calls to action each ALS to work towards inclusive pedagogic and epistemological space, to address the socio-economic challenges facing South Africa and the architectural professional and to make a concerted effort towards transformation in the ALS context. The ALS must include their response to this in the relevant section in the ALS report.

8. Accreditation Criteria (Detail in Appendix A, B.1, B.2)

8.1 The accreditation system enables the SACAP to evaluate the quality and relevance of architectural qualifications and the standard of achievement and competence of graduates of ALSs at higher education institutions. The priority of the SACAP is to benchmark architectural qualifications against the SACAP competencies (**Appendix A**) as the main criteria for accreditation.

8.2 The SACAP competencies are a description of the required knowledge and skills and application required of architectural professionals. To this end, all application and accreditation documentation prepared by an ALS should identify how the SACAP competencies and standards are being met within the curriculum, pedagogic approach and assessment practices of the ALS. In reviewing the work of students, the lowest qualifying standards for graduation are of greatest concern.

8.3 It is the ALSs' obligation to provide evidence that the accreditation criteria are being satisfied. The ALS must therefore complete and forward all required documentation and supporting evidence, make available specified material, including accessible links to hybrid and online programmes and systems, prior to the accreditation and respond to requests for supplementary information before and during the accreditation.

8.4 Documentation in accordance with the requirements must be submitted to SACAP within the prescribed time (6 weeks before) the accreditation. Should the ALS not submit documentation timeously, the accreditation may be cancelled if there are no justifiable reasons for failure to submit required documents.

8.5 Evidence or information supplied after the evaluation will not be considered by the VB.

8.6 Should relevant information not be provided, the VB may report that certain evidence was unavailable and that compliance of the programme with one or more criteria could



not be verified. Such a programme will be treated as deficient, and accreditation may, at best, be granted for a limited period with a revisit required. These aspects are set out on the evaluation matrix (**Appendix B.1**) and the subject/module/unit review template (**Appendix B.2**).

9. Accreditation processes and outcomes

The accreditation visit can be conducted either completely on-site or via hybrid method. The same process is followed for both, except that for the hybrid visit only three (3) AB members (the Chairperson, one Council member, and one academic) together with the SACAP secretary visits the ALS for the first day. The first day is only to complete a physical review of the ALS accommodation and to interview management, staff and students. The other meetings can be conducted online. In the instance of a hybrid visit, an open day may be inserted between DAY ONE and DAY TWO to allow for travel for the visiting VB members.

Continued accreditation

- a) A AB visits an ALS to review existing qualifications for continued accreditation. Accreditation visits are conducted every four years, follow-up visits may be conducted every 12 months. The intention is that each ALS will be visited once during a Council's four-year term of office. The date for accreditation visit will be confirmed by the Registrar of the SACAP, a full calendar year in advance.
- b) Section 13 of the Act states that *"if the Council does not conduct accreditation visit within that term of the Council; it must notify the Minister accordingly and provide him or her with reasons for the failure to do so"*.

There are three main accreditation outcomes:

1) Unconditional accreditation

Where there has been a previous visit and the accreditation of the ALS qualifications and the evidence presented demonstrates that the ALS has maintained the necessary standards, accreditation is continued for four years.

2) Conditional accreditation

- i) Where aspects of the ALS or its qualifications require improvement, Conditional accreditation may be granted. Remedial action must be undertaken and shall be monitored over a 12-month period. After 12 months of receiving the accreditation report, the ALS must submit to the Education Manager of SACAP an annual report detailing actions taken to implement the decision of the Council.



- ii) The Education Manager together with an appointed AB member, preferably one who was a member of the visiting board, shall visit the ALS to verify the evidence presented by the ALS in the report.
- iii) Remedial actions will be taken where deviations occur and further directives shall be issued to the ALS.
- iv) The ALS must submit a remedial report to the SACAP Education Manager each academic year and request a revisit by a full AB within two (2) years. Evidence should be submitted showing that the necessary improvements have been made.
- v) The ALS may request guidance and feedback from the SACAP on the areas of improvements through:
 - Submission of external examiner and HoS reports on the remedial actions taken annually until the next visit;
 - Requesting an interim informal visit by the VB.

3) Withdrawal of accreditation

- i) Withdrawal of accreditation is a last resort measure that Council would undertake and it is applied only where the exit level qualification outcomes have fallen below minimum standards or where conditional accreditation will not be an effective solution.
- ii) Students already registered in a qualification at the time of the accreditation visit will be able to complete the qualification and will still be recognised by the SACAP as candidate professionals from an accredited ALS.
- iii) New registering students should be made aware that the ALS is not accredited until further notice.

10. Accreditation visits for first-time accreditation

- a) A new ALS shall apply for a pre-accreditation visit for a first-time qualification.
- b) Accredited ALSs shall only apply if they offer a qualification they have never offered before.
- c) An initial accreditation visit is to be conducted at the end of the first year of a new qualification. The outcomes of an initial accreditation visit can be one of two possibilities:

Unconditional accreditation:

- d) Where the evidence evaluated complies with the necessary standards.

Deferred accreditation:



- e) Where the evidence evaluated does not comply with the necessary standards, the outcome may be deferred until the ALS has fulfilled requirements, for example:
 - i) ALS may be required to provide additional evidence (to be specified);
 - ii) The inclusion of some AB members at the end of year assessments to view the sample of an ALS's work and report back to the SACAP.

11. New Architectural Qualifications

- a) No person or educational institution shall offer or provide any architectural education or training to which the provisions of the Act apply, unless such education or training has been considered by the Education Committee and approved by the Council.
- b) Any educational institution wanting to offer or to provide architectural education or training shall, before offering or providing such education or training, apply to the Council in writing for its approval of such education or training and shall furnish such particulars regarding such education or training as the Council may require. The SACAP Education Committee must assess the applications of new programmes against the SACAP competencies and makes recommendations whether the proposed program is aligned with the SACAP Competencies.
- c) Existing or new ALSs must submit documentation of the proposed qualification(s) to the SACAP Education Committee for recommendation and approval by Council prior to submission to the Council for Higher Education (CHE). The SACAP Education Committee reviews the submission and if the qualification(s) meets the required standards and Council approves, it will be supported and recommended. The qualification may only then be submitted to the CHE.
- d) An ALS offering programmes with pathways at more than one site must indicate the sites of delivery; programmes delivered at each site; persons responsible for the programmes and sites; and the ways that the pathways are designated and identified on the qualification certificate and academic transcript.
- e) In the case of an identically designated programme that is offered at more than one site, accreditation must be carried out for at each site based upon the documentation and supporting evidence provided from each site, and the AB must report and make recommendations on the programme at each site individually. If the ALS identifies the site of delivery on the qualification certificate or transcript, a separate accreditation decision must be made on each programme at each site by the Council. The decision may differ from site to site.
- f) Online programmes must satisfy all accreditation criteria. When evaluating the programme, the VB must consider:
 - i) the effectiveness of Learning Management System (LMS) and other online delivery platforms;



- ii) whether there is adequate student engagement and access to necessary support when required;
- iii) whether adequate physical or e-laboratory facilities as required have been provided;
- iv) whether the ALS takes full responsibility for quality assurance of the programme, including activities at laboratory sites.

12. Students Registration

Any person who enrolls as a student in at any accredited ALS shall in writing apply to the Council for registration as a student, and such application shall be accompanied by the prescribed particulars. If the Council is satisfied that the applicant is entitled to registration as a student, it shall cause the necessary entry to be made in the register, and the Registrar shall thereafter issue to the applicant a registration certificate in the prescribed form.

Students are required by SACAP to submit the following documentation for consideration for registration:

- a) The SACAP Student Registration Application Form can be found on: [SACAP \(sacapsa.com\)](https://www.sacapsa.com)
- b) A signed declaration to abide by the SACAP Code of Conduct - the student must read, understand and sign acceptance to abide by the SACAP Code of Conduct.
- c) Proof of enrolment of the student with the university or tertiary institution clearly reflecting the student number and details of the programme of study.
- d) Certified copy of Identity Document.
- e) Certified copies of academic transcripts, where applicable.
- f) Certified copies of relevant qualification certificates and other relevant memberships or registrations with similar institutions where applicable.
- g) Certified copies of South African Qualifications Authority (SAQA) Evaluation - in the case of foreign qualifications

13. Accreditation Panel and Accreditation Board

Accreditation Panel (AP)

- a) The Accreditation Panel is a “pool” of suitably qualified and approved registered professionals and academics from whom members of an Accreditation Board are drawn for each accreditation visit.
- b) The Accreditation Panel is constituted through a general public call to the architectural profession and the public, in line with the principles of fairness and transparency as envisaged in the Constitution, calling for suitably qualified professionals (registered professionals / academics) to apply to serve as members of the Validation Panel.



- c) The Members of the AP must be registered professionals in good standing with SACAP. The VP must be representative in respect of gender, race, age, professional registration category, academic experience and practice experience. In addition, the VP shall include members with experience in transformation, academic development, student representatives and those with continental and international affiliations.
- d) The AP selection process must be transparent so as to facilitate the nomination of suitably qualified members based on their experience while demonstrating capability as experts in the judgement of educational achievement in architecture.

Accreditation Board (AB) members

- e) The accreditation visit is conducted by a team of registered professionals and academics drawn from the SACAP's AP. (Refer to **Appendix B** for detailed information on the processes and procedures of the AP and the AB).
- f) Members of the AP and the AB shall at all times maintain professionalism, act independently, with impartiality and without biasness when accrediting a learning institution.
- g) Each member of the AP and AB is required to declare any conflict of interest and recuse itself from the accreditation process should the declared conflict necessitate for such.
- h) The AB shall be supported by observers who are nominated by the Council.
- i) The AB shall include one Council member who is delegated by the Council to participate in the accreditation process.

Scope of the work of the AB

- j) The AB conducts accreditation visits for:
 - new or continued accreditation;
 - to assess the ALS after conditional accreditation or withdrawal of accreditation.
 - For annual reviews
- k) The AB reviews the evidence provided by the ALS to evaluate students' knowledge and skills against the SACAP competencies (**Appendix A**) in line with the transformation of the architectural profession plan.
- l) The AB shall focus on the evidence presented and not specifically on the process of teaching and learning. The latter does, however, provide an important context against which the evidence is viewed.
- m) The AB must assess coursework and outcomes in terms of structure, credits, content, teaching and learning, practical and intellectual ability.



- n) The AB shall respect the prerogative of an ALS to formulate the teaching and learning design, policies and procedures. A AB's role is not to instruct the ALS how to conduct its academic business but scrutinise architectural programmes to ensure compliance with the Higher Education Qualifications Sub-framework (HEQSF) requirements and SACAP Competencies. (Guidance and breakdown of tasks are included in **Appendix B**).
- o) The roles and responsibilities of each member of a VB are explained in detail in **Appendix B**.

AB requirements

- p) When appointing AB, SACAP shall ensure that there is a balance of appropriate experience and the requirements suited for the ALS's circumstances.
- q) SACAP shall consider International architectural education experience when appointing AB.
- r) SACAP shall ensure that the AB is diversified in terms gender, race, and experience.
- s) One AB member shall be delegated by the Education Committee. Therefore, the Chairperson of the Education Committee shall be part of the AB for every accreditation visit, or any other Education Committee member delegated by the Chairperson.
- t) To ensure continuity, at least one AB member must have been part of the previous accreditation visit to the specific ALS;
- u) At least one AB members shall be delegated by the Council.
- v) Preferably AB members shall be from the same geographical region as the ALS under accreditation to save time and costs. However, geographical considerations shall not compromise the experience, skills and competencies required for a AB.
- w) The AB is appointed by the Registrar based on the recommendations of the Senior Manager: Professional Statutory Services.
- x) The appointment of AB members shall be communicated to the head of the ALS well in advance. The communication shall include AB members qualifications and experience.
- y) AB members shall be informed no later than three (3) months about the appointment prior to a planned accreditation visit.
- z) Members of the AB shall declare all conflict of interest whether real or perceived prior to the accreditation visit.



- aa) For an advisory visit, it is recommended that a AB will consist of three (3) academics of a standing equal to or above the highest professional category to be accredited and two (2) Council members (one of which is the Chairperson for the Education Committee).

14. Composition of the AB

- a) The AB appointed to undertake accreditation visit must include a minimum of five (5) members and an observer.
- b) The AB must appoint a Chairperson and Vice Chairperson.
- c) The AB shall include 2 academics of a standing equal to or above the highest professional category to be accredited.
- d) Two (2) registered professionals in a category of registration equal to or above the highest professional category to be accredited.
- e) One (1) Council member appointed by the Council.
- f) The Chairperson of the Education Committee.
- g) The AB may include 2 observers:
 - which may be a post-graduate student representative of another region/ALS,
 - An observer for training and development of skills purposes;
 - Representatives of the Council for the Built Environment or Built Environment Councils.

15. Observers

- h) The observers from the Council for the Built Environment, other built environment Councils and ALS students shall be responsible for all their expenses with regarding to the accreditation visit.
- i) The role of observers is to ensure accountability; however, observers are not allowed to interfere with the accreditation process.
- j) The observers of the accreditation process must be impartially and act independently and must provide a comprehensive review of the accreditation visit to SACAP.

16. Secretarial support to the AB

- a) The AB shall be administratively supported by a Secretary from the SACAP, where possible the SACAP Education Manager shall provide secretarial support to the AB.



- b) The Secretary shall ensure that the AB complies with the Accreditation Rules during the accreditation visit and assist the VB to prepare the accreditation report.
- c) Manage the visit with respect to time and arrangements with the Head of the ALS;
- d) Keep an attendance register;
- e) Keep records of meetings;
- f) Collect and collate information;
- g) Prepare declaration to be signed off and issued at the completion of the visit;
- h) Complete a report conforming to the SACAP approved format;
- i) Circulate draft reports for comment from Visiting Board Members, and ensure that a record is kept of such comments; and
- j) Ensure compliance with the timetable and activities set out in **Appendix D**.
- k) Ensure that accredited institutions are published on SACAP's website.

17. ALS: The Process and Preparation for accreditation visits for continued accreditation

- a) The aim of an accreditation visit to an ALS is to determine whether graduates of the ALS, who will apply for registration as candidates in any of the SACAP's four registration categories, meet the minimum standards of competencies and associated skills.
- b) The accreditation visit is an evidence-led and interactive evaluation of an ALS and the qualifications offered. Therefore, the ALS shall prepare documentation (**detail in Appendix B**) and evidence (**detail in Appendix C**) which is reviewed by a VB which then makes a recommendation based on its findings.
- c) In preparation for accreditation visit, the ALS must consider budget, the preparation of the accreditation document, the compilation and presentation of the evidence, and the logistics of the visit.

18. Budget

- a) The ALS is responsible for financing the accreditation visit. Therefore, the accreditation fee shall be agreed upon before the accreditation visit is conducted. The budget fee covers costs of the accreditation visit only.
- b) The SACAP shall assist the ALS to determine an estimate budget and cost for the accreditation visit.
- c) Failure to pay the amount determined by the agreed time may result in the cancellation of the accreditation visit.

19. Documentation preparation (detail in Appendix C)



- a) The ALS shall compile a single comprehensive accreditation document which is submitted to the SACAP no later than four weeks prior to the accreditation visit. **Appendix B** stipulates the requirements of this accreditation document.
- b) Failure to submit the required documentation on time or submitting incomplete or unclear information may lead to the cancellation of the accreditation visit and the possibility that the ALS may lose its accreditation.

20. Presentation of evidence (detail in Appendix D)

The ALS shall prepare and compile evidence of academic and student work of the year preceding the accreditation visit. Evidence for each qualification and each year of study of a qualification shall be presented. This evidence shall be displayed during the accreditation visit. **Appendix C** stipulates the requirements for the compilation and presentation of evidence.

21. Accreditation logistics (detail in Appendix F)

The ALS shall liaise with the SACAP to prepare for the accreditation visit and hosting the VB. Full details of the logistical preparation and the suggested timetable are available in **Appendix D**.

22. ALS: The process and preparation for first-time accreditation visits

An ALS preparing for an initial (first-time) accreditation visit of a new qualification is advised to request a pre-accreditation visit at least one year before an initial accreditation visit. If the AB, at the pre-accreditation visit, is satisfied that the ALS will be ready for an initial accreditation visit within a year, then the new qualification(s) at the ALS will be designated 'candidate qualification for recognition'. However, this designation is not yet equal to accreditation. Only once an initial accreditation visit, following the accreditation process has been completed is accreditation visit possible.

23. ALS: The process and preparation for review of new qualifications

- a) Documentation for new architectural curricula is submitted to the SACAP for recommendation and support prior submission to the CHE for accreditation. The support from the SACAP confirms the alignment of the structure and content of the proposed qualification with the SACAP competencies. The SACAP competencies are contained in **Appendix A**.
- b) Accreditation of any new qualification at an ALS shall only be considered once the qualification has been approved by the CHE and SAQA and has been implemented at a higher education institution.
- c) Application documentation shall be submitted to the SACAP Education Manager. The documentation shall be reviewed by the SACAP Education Committee and written feedback will be given within 4 weeks after submission. Once support from the SACAP Council has been granted, applicants may proceed to submit the qualification into the HEQC system for accreditation. **Appendix E** sets out the requirements and format for submitting documentation for any new qualifications.



24. Responsibilities of the ALS and the AB

- a) The costs incurred by both the ALS and the AB are significant, so every attempt should be made to ensure that the accreditation visit proceeds smoothly and that there is no reason for the termination of the accreditation visit. Therefore, the ALS must be well prepared, be familiar with the process, must have all the necessary role players available, on time, and must have all information available, in a legible and accessible format at the onset of the visit or on request.
- b) The AB must, similarly, be well prepared and familiar with the process, the ALS report and other documentation prior to the visit.
- c) The Chairperson and members of the AB are responsible for the quality of the accreditation report submitted to the Education Committee. The accreditation reports must provide sufficient detail for the Education Committee to make an informed accreditation recommendation to the Council. The accreditation report must clearly indicate matters that require remediation or that relate to programme improvement.
- d) The AB shall determine whether the graduates of the ALS meet the required standards. To this end the lowest standards allowing learners to qualify for graduation are of greatest concern.
- e) The AB shall evaluate whether or not the ALS's strategic objectives and the tactical aims of each academic year are valid, clearly defined, understood by staff and learners, and are effectively implemented. Including the content and coverage of the syllabuses and the relevance of lectures in relation to project work.
- f) Design, technology, theory and history of architecture are the core subjects, therefore, the extent to which the courses develop skills and understanding in the learners is of particular interest:
 - The ability to analyse and synthesize;
 - Creativity in design;
 - The ability generally to portray technically accountable and sustainable buildings;
 - Sensitivity to the relation between a building and its context;
 - An adequate knowledge of the history and theory of architecture, related arts, technologies and human sciences;
 - The skills of communication with clients, contractors and other members of the building team; and
 - An adequate understanding of the legal, ethical, contractual and procedural aspects of professional architectural practice.



- g) The preparation meeting before the accreditation visit is extremely important. An outline agenda should include at least the following item:
- Methodology, aim and objectives of the Accreditation Board;
 - Evaluation of documentation;
 - Review report of last visit and follow-up reports (if any);
 - Discuss vision of the ALS and curriculum content;
 - Review and identify matters to be clarified and investigated during the visit; and
 - Allocation of tasks amongst the VB members.
- h) The Chairperson of the AB must ensure that the accreditation visit is efficiently and effectively conducted and ensure that members of the AB do not interrupt each other or act unprofessionally. The Chairperson shall ensure that all members of the AB fully participate. The Chairperson shall ensure that accreditation visit is conducted in an orderly and efficient manner.

25. Appeal process

Educational Institutions may appeal the decision of the Council in terms of section 35(1) of the Architectural Profession Act.

SACAP shall ensure that the CBE is informed of any disputes raised in terms of the aforesaid section.

26. Approval and Review of the policy

- a) This Accreditation policy shall be recommended by the Education Committee for approval by the Council.
- b) The policy shall be reviewed every two years, unless there are material changes to legislation, regulations or standards which may warrant urgent review of the policy.

22 Reference Documentation

- I. Legislative frameworks, Higher Education Act, 101 of 1997.
- II. Architecture Profession Act, 44 of 2000.
- III. The SACAP Validation Protocols.
- IV. Canberra Accord: Rules and Procedures.
- V. The Council for the Built Environment Act, 2000.
- VI. Policy Framework on Accreditation of Built Environment Programmes.

23 Accreditation schedule for the sixth term SACAP Council:

In line with clause 8(e) of the Policy Framework on Accreditation of Built Environment Programmes, a provision must be inserted which requires SACAP, within the term of a newly elected council, to compile and submit an accreditation table to the CBE stipulating all the programmes, accreditation status, its term of accreditation and planned accreditation visits within the term of office of the new council.

Institution	Qualification Validated
University of Cape Town	<ol style="list-style-type: none"> 1. Bachelor of Architectural Studies (BAS) –Candidate Architectural Technologist 2. Bachelor of Architectural Studies [BAS (Hons)] – Candidate Snr Technologist 3. Master of Architecture (Professional) (M. Arch)-Candidate Architect
University of the Witwatersrand	<ol style="list-style-type: none"> 1. Bachelor of Architectural Studies (BAS)-Candidate Architectural Technologist 2. Bachelor of Architectural Studies [BAS (Hons)] – Candidate Snr Technologist 3. Master of Architecture (Professional) (M. Arch)-Candidate Architect
Cape Peninsula University of Technology (CPUT)	<ol style="list-style-type: none"> 1. Diploma: Architectural Technology-Candidate Draughtsperson 2. Bachelor of Technology: Architectural Technology-Candidate Architectural Technologist
University of Pretoria (UP)	<ol style="list-style-type: none"> 1. Bachelor of Architectural Studies (BScArch)-Candidate Architectural Technologist 2. Bachelor of Architectural Studies [BScArch (Hons)]-Candidate Snr Technologist 3. Master of Architecture (Professional) (M. Arch)-Candidate Architect
Durban University of Technology (DUT)	<ol style="list-style-type: none"> 1. Diploma: Architectural Technology – Candidate Architectural Technologist 2. Bachelor of Architecture Architectural Technology (BArch) – Candidate Senior Architectural Technologist
Tshwane University of Technology (TUT)	<ol style="list-style-type: none"> 1. B Tech Architecture (Professional), renamed as the BArch from 2017 – Candidate Senior Architectural Technologist 2. B Tech Architecture (Professional) with extended curriculum, renamed as the BArch (Ext) from 2018 onwards – Candidate Senior Technologist 3. B Tech Architecture (Technology) – Candidate Senior Technologist 4. M Tech Architecture (Professional), renamed as the MArch from 2018 onwards – Candidate Architect
University of KwaZulu-Natal (UKZN)	<ol style="list-style-type: none"> 1. Bachelor of Architectural Studies (BAS)-Candidate Architectural Technologist 2. Master of Architecture (March)-Candidate Architect
Nelson Mandela University (NMU)	<ol style="list-style-type: none"> 1. Bachelor of Architectural Studies (BAS)-Candidate Architectural Technologist 2. Master of Architecture (March)-Candidate Architect
Nelson Mandela University (NMU) SOUTH CAMPUS	<ol style="list-style-type: none"> 3. Diploma in Architectural Technology –Candidate Architectural Technologist 4. Adv. Diploma in Architectural Technology – Candidate Senior Architectural Technologist 5. Adv. Diploma in Architectural Design – Candidate Senior Architectural technologist
University of Free State (UFS)	<ol style="list-style-type: none"> 1. Bachelor of Architectural Studies (BAS)-Candidate Architectural Technologist 2. Bachelor of Architectural Studies [BAS (Hons)]-Candidate Snr Technologist 3. Master of Architecture (Professional) (M. Arch)-Candidate Architect



Namibian University of Science & Technology (NUST)	<ol style="list-style-type: none"> 1. Bachelor of Architecture-Candidate Architectural Technologist 2. Bachelor of Architecture (HONS)-Candidate Snr Technologist <p>(Accreditation of the BAS and BAS (Hons) programmes, but also for an initial Accreditation of the Masters)</p>
University of Johannesburg (UJ) Graduate School of Architecture (GSA)	<ol style="list-style-type: none"> 1. Diploma: Architectural Technology (DipArch) –Candidate Architectural Technologist 2. BTech: Architectural Technology-Candidate Senior Architectural Technologist 3. BArch (Bachelor of Architecture)-Candidate Senior Architectural Technologist 4. MTech: Architectural Technology (profession)-Candidate Architect
INSCAPE	<ol style="list-style-type: none"> 1. Higher Certificate: Architectural Technology – Candidate Draughtsperson

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